

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 15TH DAY OF MAY 2015/25TH VAISAKHA, 1937

Crl.MC.No. 2772 of 2015 ()

CC 609/2015 of JUDICIAL FIRST CLASS MAGISTRATE COURT, TRIPUNITHURA DATED

PETITIONERS/ACCUSED:-:

1. SHIJU V. V., AGED 39 YEARS,
S/O.VARGHESE, VADAPPURATH HOUSE, GOTHURUTH,
CHENNAMANGALAM, ERNAKULAM.
2. JOSEPH MANI, AGED 43 YEARS,
S/O.JOSEPH P.CHERIAN, PALATHATTIL HOUSE, NO.16
EASTERN VILLA, KAKKANAD, ERNAKULAM.
3. PATRIC MATHEW, AGED 65 YEARS,
SON OF MATHEW, RESIDING AT KULANGARA HOUSE,
CHANGAMPUZHA NAGAR, KOCHI, EDAPPALLY NORTH VILLAGE,
ERNAKULAM - 33.
4. RAMESH, AGED 53 YEARS,
SON OF SANKARAN, RESIDING AT PARAMBATH HOUSE, KUYVAL
THALASSERY, KANNUR DISTRICT.
5. RENJITH, AGED 35 YEARS,
SON OF THANKAPPAN PILLAI, RESIDING AT PARAMBATH HOUSE,
KUYVAL, THALASSERY, KANNUR DISTRICT.

BY ADV. SRI.C.P.MOHAMMED NIAS

RESPONDENTS/STATE AND DE-FACTO COMPLAINANT:-:

1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.
2. LIJIN, AGED 23 YEARS,
S/O.AJAYAN, KUPPAYIL HOUSE, MYTHRI LANE,
VYMITHI ROAD, CHATHARI, TRIPUNITHURA,
ERNAKULAM - 682 301.

R1 BY PUBLIC PROSECUTOR C.K. JAYAKUMAR

R2 BY ADV. SRI.SAJU.S.A

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD
ON 15-05-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

APPENDIX

ANNEXURE AI. TRUE COPY OF THE F.I.R. IN CRIME NO.835/2014 AT TRIPUNITHURA/HILL PALACE POLICE STATION.

ANNEXURE AII. TRUE COPY OF THE FINAL REPORT IN CRIME NO.835/2014 AT TRIPUNITHURA/HILL PALACE POLICE STATION.

ANNEXURE AIII. TRUE COPY OF THE NOTARIZED AFFIDAVIT SWORN TO BY THE 2ND RESPONDENT DATED 09.03.2015.

//TRUE COPY//

P.A. TO JUDGE

bp

P.UBAID, J.

Crl. M.C No. 2772 of 2015

Dated this the 15th day of May, 2015.

O R D E R

The petitioners herein are the accused in C.C No.609 of 2015 of the Judicial First Class Magistrate Court, Tripunithura. They seek orders quashing the prosecution on the ground of amicable settlement of the whole dispute between them and the de facto complainant. Crime in this case was registered under Section 336 of IPC on the complaint of one Lijin who is the second respondent in this proceeding brought under Section 482 of the Code of Criminal Procedure. He has filed affidavit to the effect that he has settled the whole dispute with the accused, and he has no grievance or complaint now.

2. In so many decisions, the Hon'ble Supreme Court has held that even in cases involving non-compoundable offences, the High Court can quash prosecution in pending proceedings, if the parties have really settled the whole

dispute amicably out of court, and continuance of further proceedings will not serve any purpose in such a circumstance of amicable settlement. Here, I find a real and genuine case of settlement between the parties. This is not a case involving any public interest or public issue. The parties have come to terms amicably on the intervention of persons acceptable to both sides, and I am satisfied that the parties are now on quite cordial terms. In such a situation, continuance of the prosecution will not serve any purpose other than wasting the precious time of the court. No doubt, nobody will support the prosecution in such a situation, if the case goes to trial.

In the result, this petition is allowed. The prosecution against the petitioners herein in C.C No.609 of 2015 of the Judicial First Class Magistrate Court, Tripunithura will stand quashed under Section 482 of the Code of Criminal Procedure. Accordingly, the petitioners will stand released from prosecution and the bail bond, if any, executed by them will stand discharged.

Sd/-
P.UBAID,
JUDGE