

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.2841 of 2015

**CC NO.938/2013 OF THE ADDITIONAL CHIEF JUDICIAL MAGISTRATE COURT
(ECONOMIC OFFENCES),ERNAKULAM.
F.I.R. IN CRIME NO.842/2012 OF ERNAKULAM TOWN POLICE STATION.**

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PETITIONER'S:

- 1. SHANOOP,AGED 39 YEARS,S/O.SHAHUL HAMEED,
2C ROOTS ENCLAVE,SRM ROAD,ERNAKULAM,(ACCUSED 1).**
- 2. AMITH,AGED 29 YEARS,S/O.SIJU JACOB,
CHAKALAKAL VEEDU,ELAMKULAM VILLAGE,
ERNAKULAM (ACCUSED 2).**
- 3. RANJITH @ KUTTAN,AGED 43 YEARS,S/O.BABY,
CHERYVILLA,CHELAVAOOR ROAD,
ELAMKULAM VILLAGE,ERNAKULAM,(ACCUSED 3).**
- 4. THOMAS,AGED 32 YEARS,S/O.MATHEW,
PADAMATTAMAL (H),ELAMKULAM VILLAGE,
KADAVANTRA,ERNAKULAM,(ACCUSED 4).**

**BY ADVS.SRI.R.ROHITH
SRI.SAYED MURTHALA THANGAL**

RESPONDENT'S:

- 1. STATE OF KERALA,REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,ERNAKULAM 682031.**
- 2. ANOOJ,AGED 32 YEARS,S/O.K.O.JOHNY,
KOVATTAMPARAMBIL VEEDU,ELAMKULAM VILLAGE,
KADAVANTRA,ERNAKULAM-682020.**
- 3. RENIL,AGED 25 YEARS,S/O.ESVAD,
KANAKKATTIL VEEDU,GEORGE EDAN ROAD,
PANAMPALLY NAGAR,ERNAKULAM-682020.**
- 4. VISHNU,AGED 25 YEARS,S/O.PRADEEP,VARIYAM VEEDU,
KUMARANASHAN NAGAR,ELAMKULAM VILLAGE,
KADAVANTRA,ERNAKULAM-682020.**

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5. **ALDRIL,AGED 29 YEARS,S/O.ANSAN,KOVATTAPARAMBIL VEEDU,
KURUSHUPARAMBU ROAD,RAVIPURAM,ERNAKULAM-682020.**

**R1 BY PUBLIC PROSECUTOR SRI.JUSTIN JACOB.
R2-R5 BY ADV.SRI.DEEPAK MOHAN**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 15-05-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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APPENDIX

PETITIONER'S ANNEXURES:

**ANNEXURE A1:A TRUE COPY OF THE FIR IN CRIME NO.842/2012 REGISTERED
BY ERNAKULAM TOWN POLICE STATION.**

**ANNEXURE A2:A TRUE COPY OF THE FINAL REPORT DATED 16.07.2012 IN
CC.NO.938/2013 SUBMITTED BEFORE THE HONOURABLE
ADDITIONAL CHIEF JUDICIAL MAGISTRATE COURT (EO)
ERNAKULAM.**

**ANNEXURE A3:A TRUE COPY OF THE AFFIDVIT SWORN BY THE 2ND
RESPONDENT.**

**ANNEXURE A4:A TRUE COPY OF THE AFFIDVIT SWORN BY THE 3RD
RESPONDENT/INJURED.**

**ANNEXURE A5:A TRUE COPY OF THE AFFIDVIT SWORN BY THE 4TH
RESPONDENT/INJURED.**

**ANNEXURE A6:A TRUE COPY OF THE AFFIDVIT SWORN BY THE 5TH
RESPONDENT/INJURED.**

RESPONDENT'S ANNEXURES:

NIL

//TRUE COPY//

P.S. TO JUDGE

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P.UBAID, J.

Crl. M.C No. 2841 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.938 of 2013 of the Additional Chief Judicial Magistrate Court, (E.O) Ernakulam. 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 Sections 341, 323 r/w 34 of IPC on the complaint of one Anooj 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. The other persons who sustained injuries in the alleged incident are the respondent Nos. 3 to 5 in this proceeding. They have also filed affidavit to the effect that they have settled the whole dispute with the accused, and they have 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. The counter case also stands settled and quashed.

In the result, this petition is allowed. The prosecution against the petitioners herein in C.C No.938 of 2013 of the Additional Chief Judicial Magistrate Court, (E.O) Ernakulam 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