

**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. 2842 of 2015 ()**

**CC.NO. 937/2013 OF ADDL.CHIEF JUDICIAL MAGISTRATE COURT (E&O),  
ERNAKULAM**

**PETITIONER(S):**

1. ANOOJ, AGED 32 YEARS, S/O.K.O.JOHNY,  
KOVATTAPARAMBIL VEEDU, YELAMKULAM VILLAGE,  
KADAVANTRA, ERNAKULAM (ACCUSED 1)
2. RENIL, AGED 25 YEARS, S/O.ESVAD,  
KANAKKATTIL VEEDU, GEORGE EDAN ROAD,  
PANAMPALLY NAGAR, ERNAKULAM (ACCUSED 2)
3. VISHNU, AGED 25 YEARS, S/O.PRADEEP,  
VARIYAM VEEDU, KUMARANASHAN NAGAR,  
YELAMKULAM VILLAGE, KADAVANTRA, ERNAKULAM (ACCUSED 3)
4. ALDRIL, AGED 29 YEARS, S/O.ANSAN,  
KOVATTAPARAMBIL VEEDU, KURUSHUPARAMBU ROAD,  
RAVIPURAM, 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.PIN-682 031
2. THOMAS, AGED 32 YEARS, S/O.MATHEW,  
PADAMATTAMAL (H), ELAMKULAM VILLAGE,  
KADAVANTRA, ERNAKULAM-682 020
3. SHANOOP, AGED 39 YEARS,  
S/O.SHAHUL HAMEED, 2.C ROOTS ENCLAVE,  
S.R.M ROAD, ERNAKULAM-682 018
4. AMITH, AGED 29 YEARS, S/O.SIJU JECOB,  
CHAKALAKAL VEEDU, ELAMKULAM VILLAGE,  
ERNAKULAM.

**CRMC.NO.2842/2015**

5. RANJITH, AGED 43 YEARS,  
S/O.BABY, CHERY VILLA, CHELAVAOOR ROAD,  
ELEMKULAM VILLAGE, ERNAKULAM.

R1 BY PUBLIC PROSECUTOR SRI.C.K.JAYAKUMAR  
R2 TO 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:

sts

**APPENDIX**

**PETITIONER(S)' ANNEXURES:**

- ANNEX A1: A TRUE COPY OF THE FIR IN CRIME NO.841/2012 REGISTERED BY ERNAKULAM TOWN POLICE STATION**
- ANNEX A2: A TRUE COPY OF THE FINAL REPORT DATED 23.11.2012 IN CC.NO.937/2013 SUBMITTED BEFORE THE HON'BLE ADDITIONAL CHIEF JUDICIAL MAGISTRATE COURT(EO) ERNAKULAM**
- ANNEX A3: A TRUE COPY OF THE AFFIDAVIT SWORN BY THE 2ND RESPONDENT**
- ANNEX A4: A TRUE COPY OF THE AFFIDAVIT SWORN BY THE 3RD RESPONDENT/INJURED.**
- ANNEX A5: A TRUE COPY OF THE AFFIDAVIT SWORN BY THE 4TH RESPONDENT/INJURED**
- ANNEX A6: A TRUE COPY OF THE AFFIDAVIT SWORN BY THE 5TH RESPONDENT/INJURED**

**RESPONDENT(S)' ANNEXURES:**

**NIL**

**/TRUE COPY/**

**P.A.TO JUDGE**

**P.UBAID, J.**

-----  
**Crl. M.C No. 2842 of 2015**  
-----

Dated this the 15<sup>th</sup> day of May, 2015.

**O R D E R**

The petitioners herein are the accused in C.C No.937 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. The offences involved in this case are under Sections 323, 324 and 434 of IPC. The defacto complaint Thomas 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.937 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