

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. 2852 of 2015 ()

**CP.NO. 353/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-1,NADAPURAM
CRIME NO. 442/2014 OF VALAYAM POLICE STATION , KOZHIKODE DISTRICT**

PETITIONER(S)/ACCUSED:

- 1. SUBIN, AGED 25 YEARS, S/O.SUKUDAYARAPPAN,
NURUKKUKALLIL HOUSE, KAMBILI PARA,
VILAGADU P.O., KOZHIKODE DISTRICT.**
- 2. RENJITH, AGED 26 YEARS,
S/O.RAMU, ONNAMTHOTTIL HOUSE, VALAMTHODU,
VILAGADU P.O., KOZHIKODE DISTRICT.**

BY ADV. SRI.K.S.ARUN KUMAR

RESPONDENT(S)/COMPLAINANT:

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.PIN-682 031**
- 2. JISHNU, AGED 19 YEARS,
S/O.CHANDRAN, NEDUMPARAMBU HOUSE, CHITTARI,
VANIMEL AMSOM, DESOM OF VADAKARA THALUK,
KOZHIKODE DISTRICT. PIN-673 505**
- 3. NIJESH, AGED 28 YEARS,
S/O.NANU, EKARAMPARAMBATH HOUSE, CHITTARI,
VANIMEL AMSOM, DESOM OF VADAKARA THALUK,
KOZHIKODE DISTRICT. PIN-673 505**

**R1 BY PUBLIC PROSECUTOR SRI.C.K.JAYAKUMAR
R2 & R3 BY ADV. SRI.M.S.DILEEP**

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

sts

Crl.MC.No. 2852 of 2015 ()

APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEX-I: TRUE COPY OF THE CHARGE SHEET IN CRIME NO.442/2014 OF
VALAYAM POLICE STATION.**

**ANNEX-II: TRUE COPY OF THE AFFIDAVIT SWORN BY THE SECOND
RESPONDENT.**

ANNEX-III: TRUE COPY OF THE AFFIDAVIT SWORN BY THE THIRD RESPONDENT.

RESPONDENT(S)' ANNEXURES:

NIL

/TRUE COPY/

P.A.TO JUDGE

sts

P.UBAID, J.

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**Crl.M.C No.2852 of 2015**

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Dated this the 15th day of May, 2015

ORDER

The petitioners herein are the accused in C.P No.353 of 2014 of the Judicial First Class Magistrate Court – I, Nadapuram. 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, 324, 294(b) and 308 r/w Section 34 of Indian Penal Code on the complaint of one Jishnu, who is the 2nd 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. The other person who sustained injuries in the alleged incident is the 3rd respondent in this proceeding. He has also filed affidavit to the effect that he has settled the whole dispute with the accused and he has no grievance or complaint now.

3. In so many decisions, the Hon'ble Supreme Court has held that even in cases involving non-compoundable offences, the High Court can quash the prosecution in pending proceedings, if the parties have really settled the whole dispute amicably out of court, and continuance of further proceedings/prosecution 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.

4. On a perusal of the final report and First Information Statement, I find that Section 308 of I.P.C was incorporated by the police in the proceedings on the basis of a purely hypothetical statement. I find nothing to attract such a section.

In the result, this petition is allowed. The prosecution against the petitioners herein in C.P No.353 of 2014 of the Judicial First Class Magistrate Court – I, Nadapuram 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**

vdv