

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE P.UBAID**

**THURSDAY, THE 20TH DAY OF AUGUST 2015/29TH SRAVANA, 1937**

**Crl.MC.No. 3342 of 2015**  
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**CC 346/2011 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-II,PATHANAMTHITTA.  
CRIME NO. 246/2011 OF KOIPURAM POLICE STATION , PATHANAMTHITTA.**  
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**PETITIONER(S)/ACCUSED 1-4:**  
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- 1. AJITH @ SUBI, S/O. SASIDHARAN,  
AGED 24 YEARS, CHARIVUKALAYIL VEEDU,  
THOTTAPPUZHASSERRY VILLAGE,  
KURIYANNOOR MURI, KOLABHAGOM,  
PATHANAMTHITTA DISTRICT.**
- 2. SURESH KUMAR, S/O. NANU, AGED 43 YEARS,  
CHARIVUKALAYIL VEEDU,  
THOTTAPPUZHASSERRY VILLAGE, KURIYANNOOR MURI,  
KOLABHAGOM, PATHANAMTHITTA DISTRICT.**
- 3. ARUN SASI @ APPU, S/O. SASIDHARAN,  
AGED 21 YEARS, CHARIVUKALAYIL VEEDU,  
THOTTAPPUZHASSERRY VILLAGE, KURIYANNOOR MURI,  
KOLABHAGOM, PATHANAMTHITTA DISTRICT.**
- 4. SARATH, S/O SASIKUMAR, AGED 24 YEARS,  
CHARIVUKALAYIL VEEDU,THOTTAPPUZHASSERRY VILLAGE,  
KURIYANNOOR MURI, KOLABHAGOM,  
PATHANAMTHITTA DISTRICT.**

**BY ADV. SRI.C.B.SREEKUMAR**

**RESPONDENT(S)/STATE, DEFACTO COMPLAIANANT:**  
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- 1. STATE OF KERALA,  
REP. BY PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, ERNAKULAM  
(CRIME NO. 246/2011 OF KOYIPRAM POLIE STATION,  
PATHANAMTHITTA DISTRICT) - 682 031.**
- 2. T.MOHANAN, S/O. THANKAPPAN, AGED 57 YEARS,  
CHARIVUKALAYIL HOUSE, KOLABHAGOM,  
KURIYANNOOR MURI,  
THOTTAPPUZHASSEERY VILLAGE - 681 006.**

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3. AJI @ AJEESH, S/O. MOHANAN, AGED 28 YEARS,  
CHARIVUKALAYIL HOUSE, KOLABHAGOM,  
KURIYANNOOR MURI,  
THOTTAPPUZHASSERY VILLAGE - 681 006.

\*ADDL. R4 IMPEADED

4. "SANTHAMMA, AGED 48 YEARS, W/O.MOHANAN,  
RESIDING AT CHARIVUKALAYIL HOUSE,  
KOLABHAGOM, KURIYANNOOR MURI,  
THOTTAPPUZHASSERY VILLAGE.

ADDL. R4 IS IMPEADED AS PER ORDER DATED 4.8.215 IN  
CRL.M.A.7391/2015 IN CRL.M.C.3342/2015.

R1 BY PUBLIC PROSECUTOR SMT.S.HYMA  
R2 & R3 BY ADV. SRI.N.REJO

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION  
ON 20-08-2015, THE COURT ON THE SAME DAY PASSED THE  
FOLLOWING:

mbr/

**APPENDIX**

**PETITIONER(S)' ANNEXURES:**  
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- ANNEXURE A1 - COPY OF THE FIR IN CRIME NO. 246/11 OF KOIPRAM POLICE STATION.
- ANNEXURE A2 - COPY OF THE FINAL REPORT FILED BEFORE THE JUDFICIAL FIRST CLASS MAGISTRATE COURT - II, PATHANAMTHITTA.
- ANNEXURE A3 - COPY OF THE COMPOUNDING PETITION PREFERRED JOINTLY BY THE PETITIONERS AND RESPONDENTS 2 & 3.
- ANNEXURE A4 - AFFIDAVIT SWORN BY PW3 WHO IS SOUGHT TO BE IMPLEADED AS ADDL. 4TH RESPONDENT IN THE ABOVE CRL.M.C.

**RESPONDENTS' ANNEXURES:** NIL.

//TRUE COPY//

P.S. TO JUDGE

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**P.UBAID, J.**

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**Crl.M.C.No.3342 of 2015**

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Dated this the 20<sup>th</sup> day of August, 2015

**ORDER**

The petitioners herein are the four accused in C.C.No.346 of 2011 of the Judicial First Class Magistrate Court-II, Pathanamthitta. 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 323 and 324 read with Section 34 of the Indian Penal Code on the complaint of one T.Mohanan, who is the 2<sup>nd</sup> 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 and 4 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 the 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.346 of 2011 of the Judicial First Class Magistrate Court-II, Pathanamthitta 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**

rkj

//TRUE COPY//

P.A. TO JUDGE