

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 16TH DAY OF JANUARY 2015/26TH POUSHA, 1936

Crl.MC.No. 2438 of 2014 ()

IN CC 1074/2012 of JUDICIAL FIRST CLASS MAGISTRATE COURT,PAYYANNUR

PETITIONER(S):

1. ANOOP T.P.
S/O.VENU GOPALAN, THEKKADAVAN PADINJARE VEEDU
RAMANTHALI AMSHAM, KUNNARU, PAYYANNUR
KANNUR DISTRICT.
2. K.KARUNAKARAN
S/O.KUNJIKORAN, KUTTIYATTUR HOUSE, RAMATHALI CENTRAL
RAMANTHALI AMSHAM, PAYYANNUR KANNUR DISTRICT.
3. P.V.REJIL
S/O.CHANDRAN, PULUKKANADU VADAKKE VEETIL
RAMANTHALI AMSHAM, KALLERUM KADAVU, PAYYANNUR
KANNUR DISTRICT.
4. V.V.PRIYESH
S/O.GOVINDAN, VADEKKE VEETIL, RAMANTHALI AMSHAM
KURISHUMUKKU, PAYYANNUR, KANNUR DISTRICT.

BY ADV. SRI.K.S.ARUN KUMAR

RESPONDENT(S):

1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.
2. P.P.SEKHARAN
S/O.KANNANPOTHUVAL, PULUKKANATTU PADINJARE VEETIL
RAMANTHALI AMSHAM, PAYYANNOOR, KANNUR DISTRICT
670 307.

R2 BY ADV. SMT.RESMI THOMAS
R1 BY PUBLIC PROSECUTOR SMT. S. HYMA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 16-01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Crl.MC.No. 2438 of 2014 ()

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE 1. COPY OF THE CHARGE SHEET IN CC 1074/12 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, PAYYANNUR.

ANNEXURE II. COPY OF THE AFFIDAVIT SWORN BY THE SECOND RESPONDENT.

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

PA TO JUDGE
sab

P.UBAID, J.

Crl. M.C No. 2438 of 2014

Dated this the 16th day of January, 2015.

O R D E R

The petitioners here in are the accused in C.C No.1074/2012 of the Judicial First Class Magistrate Court, Payyannur. 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 143, 147, 148, 452, 427, 506 (ii) r/w 149 of IPC, on the complaint of one Sekharan 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.

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 the 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.

In the result, this petition is allowed. The prosecution against the petitioners herein in C.C No.1074/2012 of the Judicial First Class Magistrate's Court, Payyannur 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.

P.UBAID,
JUDGE