

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 23RD DAY OF JULY 2015/1ST SRAVANA, 1937

Crl.MC.No. 4462 of 2015

SC NO. 200/2015 of D.C. & SESSIONS COURT, KOTTAYAM

CP NO. 26/2014 of J.M.F.C., VAIKOM

CRIME NO. 50/2014 OF THALAYOLAPARAMBU POLICE STATION , KOTTAYAM

PETITIONER/ACCUSED NO.2 :-

**SHAJI, AGED 46 YEARS,
S/O. CHAKRAPANI,
CHAVAKKATTUKUZH, BRAHMAMANGALAM,
CHEMPU VILLAGE, VAIKOM TALUK, PIN-686 605.**

BY ADV. SRI.N.ASHOK KUMAR

RESPONDENTS/COMPLAINANT/STATE & CHARGE WITNESS 1 & 2 :-

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. MADHU , AGED 46 YEARS,
S/O. KUMARAN, KALAPPURACKAL HOUSE, ENADI KARA,
CHEMPU VILLAGE, VAIKOM TALUK, PIN-686 608.**
- 3. ARJUN, AGED 16 YEARS, S/O. MADHU,
KALAPPURACKAL HOUSE, ENADI KARA,
CHEMPU VILLAGE, VAIKOM TALUK, PIN-686 608
MINOR, REPRESENTED BY HIS FATHER AND GUARDIAN MADHU,
AGED 46 YEARS, S/O. KUMARAN, KALAPPURACKAL HOUSE,
ENADI KARA, CHEMPU VILLAGE, VAIKOM TALUK, PIN-686 608.**

**R1 BY SMT.S.HYMA, PUBLIC PROSECUTOR
R2 & R3 BY ADV. SRI.S.JAYAKRISHNAN**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 23-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

APPENDIX

PETITIONER(S)' ANNEXURES :-

**ANNEXURE I : TRUE COPY OF COMPLAINT DATED 15.1.2014 FILED BY THE 2ND
RESPONDENT BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE
COURT-I, VAIKOM.**

**ANNEXURE II : TRUE COPY OF ACCIDENT REGISTER-CUM-WOUND CERTIFICATE
DATED 23.08.2013 ISSUED BY THE TALUK HEAD QUARTERS
HOSPITAL, VAIKOM, TO THE 3RD RESPONDENT.**

**ANNEXURE III : CERTIFIED COPY OF FINAL REPORT IN CRIME NO.50/2014 OF THE
THALAYOLAPARAMBU POLICE STATION.**

ANNEXURE IV : TRUE COPY OF AFFIDAVIT OF 2ND RESPONDENT DATED 07.07.2015.

RESPONDENT(S)' ANNEXURES :- NIL

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//TRUE COPY//

P.A. TO JUDGE

P.UBAID, J.

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Crl.M.C.No.4462 of 2015

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Dated this the 23rd day of July, 2015

ORDER

The petitioner herein is the second accused in Crime No.50 of 2014 of the Thalayolaparambu Police Station. He seeks orders quashing the prosecution on the ground of amicable settlement of the whole dispute between him and the de facto complainant. The case against the second accused was split up in the committal Court itself and the case against the first accused was committed to the Court of Sessions. It is now pending as C.P.No.26 of 2014 of the Judicial First Class Magistrate Court-I, Vaikom. Crime in this case was registered under Sections 294(b), 451, 506(i), 323 and 34 of indian Penal Code on the complaint of one Madhu 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. The minor victim, who sustained the very simple injuries in the incident is the third respondent herein. The second respondent has settled the dispute as guardian of the third respondent, and he has filed affidavit on behalf of the victim also.

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 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 petitioner herein in C.P.No.26 of 2014 of the Judicial First Class Magistrate Court-I, Vaikom will stand quashed under Section 482 of the Code of Criminal Procedure. Accordingly, the petitioner will stand released from prosecution and the bail bond, if any, executed by him will stand discharged.

Sd/-

**P.UBAID
JUDGE**

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//TRUE COPY//

P.A. TO JUDGE