

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 1ST DAY OF OCTOBER 2015/9TH ASWINA, 1937

Cr1.MC.No. 4620 of 2015

IN SC 153/2014 of ADDL.SESIONS (SPECIAL) COURT, ERNAKULAM

CRIME NO. 536/2012 OF KANNAMALI POLICE STATION, ERNAKULAM

PETITIONERS/ACCUSED :

1. VINCENT LAWRENCE @ BECHAPPAN,
S/O. LAWRENCE, 42, CHATHANATT HOUSE,
MARUVAKKAD, CHELLANAM POST, ERNAKULAM DISTRICT.
2. ANDREWS LAWRENCE @ BECHAPPAN,
S/O. LAWRENCE, 42, CHATHANATT HOUSE,
MARUVAKKAD, CHELLANAM POST, ERNAKULAM DISTRICT.

BY ADVS.SRI.PAVITHRAN RAVINDRA NATH
SRI.SHERRY J. THOMAS
SMT.THAMANA BAI

RESPONDENTS/RESPONDENTS/DEFACTO COMPLAINANT:

1. STATE OF KERALA
REPRESENTED BY KANNAMALY POLICE STATION
STATION HOUSE OFFICER THROUGH PUBLIC PROSECUTOR
HIGH COURT OF KERALA.
2. SHINY MARTIN, AGED 43 YEARS
W/O. MARTIN, KOYIPPARAMBU HOUSE, MARUVAKKAD,
CHELLANAM, ERNAKULAM DISTRICT.
3. SHAIMON, AGED 19 YEARS,
S/O. MARTIN, KOYIPPARAMBU HOUSE, MARUVAKKAD,
CHELLANAM, ERNAKULAM DISTRICT.

R2-R3 BY ADV. SRI.R.O.MUHAMED SHEMEEM
R1 BY PUBLIC PROSECUTOR SRI.JUSTIN JACOB

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON
01-10-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Cr1.MC.No. 4620 of 2015

APPENDIX

PETITIONERS' ANNEXURES

ANNEXURE A1- THE CERTIFIED COPY OF THE FINAL CHARGE IN CRIME
NO. 536/2012 OF KANNAMALY POLICE STATION, KOCHI.

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.4620 of 2015

Dated this the 1st day of October, 2015

O R D E R

The petitioners herein are the two accused in S.C No.153/2014 of the Additional Sessions (Special) Court, Ernakulam. 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 and 354 r/w 34 of the Indian Penal Code on the complaint of one Shiny Martin, who is the second respondent in this proceeding brought under Section 482 of the Code of Criminal Procedure. She has filed affidavit to the effect that she has settled the whole dispute with the accused, and she has no grievance or complaint now.

2. The other person who sustained injuries in the alleged incident is the third 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 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. 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. A counter case also stands settled and quashed. In such a situation, it is appropriate that the pending prosecution be quashed.

In the result, this petition is allowed. The prosecution against the petitioners herein in S.C No.153/2014 of the Additional Sessions (Special) Court, 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.

**P.UBAID
JUDGE**

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