

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

MONDAY, THE 27TH DAY OF JULY 2015/5TH SRAVANA, 1937

Crl.MC.No. 4713 of 2015

C.C.NO. 617/2012 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-I, KOLLAM

CRIME NO.1140/2011 OF ANCHALUMMOODU POLICE STATION , KOLLAM

PETITIONERS/ACCUSED NOS.1,2 & 3 :-

- 1. SATHEESH, S/O.ACHUTHAN, AGED 34 YEARS,
KOCHUVILA VADAKKATHIL, JNAARACKAL CHERRY,
THRIKKARUVA VILLAGE, KOLLAM.**
- 2. DEEPU, S/O.ACHUTHAN, AGED 33 YEARS,
KOCHUVILA VADAKKATHIL, JNAARACKAL CHERRY,
THRIKKARUVA VILLAGE, KOLLAM.**
- 3. SABU, S/O.SIVADASAN, AGED 32 YEARS,
THEKKEVILA THEKKATHIL, NEAR JOLLY JUNCTION,
VALATHUNGAL CHERRY, ERAVIPURAM VILLAGE, KOLLAM.**

BY ADV. SRI.M.KIRANLAL

RESPONDENTS :-

- 1. THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. SAJI, AGED 46 YEARS,
D/O. RAJAMMA, SREEPURATHU VEEDU,
JNARACKAL CHERRY, THRIKKARUVA VILLAGE,
KOLLAM.**
- 3. MAHESH, AGED 21 YEARS,
S/O.MOHANAN, SREEPURATHU VEEDU,
JNARACKAL CHERRY, THRIKKARUVA VILLAGE,
KOLLAM.**
- 4. MONISH, AGED 24 YEARS,
S/O.MOHANAN, SREEPURATHU VEEDU,
JNARACKAL CHERRY, THRIKKARUVA VILLAGE,
KOLLAM.**

**R1 BY SMT.SREELATHA PARAMESWARAN, PUBLIC PROSECUTOR
R2, R3 & R4 BY ADV. SRI.V.K.UNNIKRISHNAN (KOLLAM)**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 27-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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APPENDIX

PETITIONER(S)' ANNEXURES :-

**ANNEXURE - A1 :- TRUE COPY OF FIR IN CRIME NO.1140/2011 OF ANCHALUMMOODU
POLICE STATION.**

**ANNEXURE - A2 :- COPY OF THE FINAL REPORT OF CHATHANNOOR POLICE STATION
CRIME NO.1140/2011.**

ANNEXURE - A3 :- AFFIDAVIT FILED BY THE SECOND RESPONDENT.

ANNEXURE - A4 :- AFFIDAVIT FILED BY THE 3RD RESPONDENT.

ANNEXURE - A5 :- AFFIDAVIT FILED BY THE 4TH RESPONDENT.

RESPONDENT(S)' ANNEXURES :- NIL

rkj

//TRUE COPY//

P.A. TO JUDGE

P.UBAID, J.

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Crl.M.C.No.4713 of 2015
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Dated this the 27th day of July, 2015

ORDER

The petitioners herein are the three accused in C.C.No.617 of 2012 of the Judicial First Class Magistrate Court-1, Kollam. 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 294 (b), 341, 323, 354 and 34 of the Indian Penal Code on the complaint of one Saji, who is the 2nd 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. The other persons who sustained injuries in the alleged incident are the 3rd and 4th respondents 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.617 of 2012 of the Judicial First Class Magistrate Court-1, Kollam will stand quashed under Section 482 of the Code of Criminal Procedure. Accordingly, the petitioners will stand released from prosecution.

Sd/-
P.UBAID
JUDGE

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//TRUE COPY//

P.A. TO JUDGE