

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

MONDAY, THE 17TH DAY OF AUGUST 2015/26TH SRAVANA, 1937

Cr1.MC.No. 4774 of 2015

CRIME NO. 82/2013 OF ERNAKULAM SOUTH POLICE STATION ,
ERNAKULAM

IN C.C NO.898/2014 OF THE ADDITIONAL CHIEF JUDICIAL
MAGISTRATE COURT, (EO), ERNAKULAM.

PETITIONERS/ACCUSED:

1. AKHIL.B. NAIR, AGED 22 YEARS,
S/O.BALACHANDRAN NAIR, UTHRADAM HOUSE,
KODUVAZHANNOOR P.O, THIRUVANANTHAPURAM DISTRICT.
2. RAKHILASH, AGED 22 YEARS,
S/O.RAVEENDRAN, KALLULLAKANDI HOUSE, KARANGODE,
KUTTIADI, KOZHIKODE DISTRICT.
3. ARUN S.SAIMON, AGED 24 YEARS,
S/O.SAIMON, CHEMBAKATHUMOODU HOUSE, PUTHIYAVILA,
KATTAKKADA, THIRUVANANTHAPURAM DISTRICT.
4. MUHAMMED SHAHANON, AGED 23 YEARS,
S/O.SAITHALAVI, VADAKKANPARAMBIL HOUSE, KARUVANKALLU,
KARIPPOOR, KONDOTTI, KOZHIKODE DISTRICT.
5. ARUN PHILIP, AGED 23 YEARS,
S/O.PHILIPOSE, VELUTHAKALAYIL HOUSE,
THIRUMOLAPURAM PO, THIRUVALLA, PIN-689 101.

BY ADVS.SRI.G.S.KRISHNAN KARTHA
SRI.LIJIN THAMBAN

RESPONDENTS/STATE AND CW1:

1. STATE OF KERALA
REPRESENTED BY THE SUB INSPECTOR OF POLICE
ERNAKULAM TOWN SOUTH POLICE STATION
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682031.

2. SHEEBA SAJEEVAN, AGED 41 YEARS,
W/O.SAJEEVAN, CHERUPALLI HOUSE, EDAYAPPURAM KARA,
ALUVA VILLAGE, ERNAKULAM DISTRICT-683 101.

R2 BY ADV. SRI.DEEPAK MOHAN
R1 BY PUBLIC PROSECUTOR SMT.S.HYMA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 17-08-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

Cr1.MC.No. 4774 of 2015

APPENDIX

PETITIONERS' ANNEXURES:

ANNEXURE A1 : COPY OF THE FIR IN CRIME NO.82/2013 OF ERNAKULAM
TOWN SOUTH POLICE STATION FILED BEFORE THE ADDITIONAL CHIEF
JUDICIAL MAGISTRATE COURT (ECONOMIC OFFENCES) AT ERNAKULAM.

ANNEXURE A2 : COPY OF THE FINAL REPORT IN CRIME NO.82/2013 OF
ERNAKULAM TOWN SOUTH POLICE STATION, FILED BEFORE THE
ADDITIONAL CHIEF JUDICIAL MAGISTRATE COURT (ECONOMIC
OFFENCES), AT ERNAKULAM.

ANNEXURE A3 : AFFIDAVIT SWORN BY THE 2ND RESPONDENT.

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.4774 of 2015

Dated this the 17th day of August, 2015

O R D E R

The petitioners herein are the five accused in C.C No.898/2014 of the Additional Chief Judicial Magistrate Court (EO), 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 143, 147, 427 and 447 r/w 149 of the Indian Penal Code on the complaint of one Sheeba Sajeevan 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. It is submitted that the petitioners have already compensated the complainant adequately for the mischief done by them.

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 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.

In the result, this petition is allowed. The prosecution against the petitioners herein in C.C No.898/2014 of the Additional Chief Judicial Magistrate Court (EO), 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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