

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 29TH DAY OF JULY 2015/7TH SRAVANA, 1937

Crl.MC.No. 4808 of 2015

CC NO.685/2013 OF JUDICIAL FIRST CLASS MAGISTRATE, KATTAPPANA

CRIME NO. 2391/2012 OF KATTAPPANA POLICE STATION , IDUKKI

PETITIONER(S)/ACCUSED :-

1. OMANAKUTTAN, AGED 45 YEARS,
S/O.R AGHAVAN NAIR, PALAKKAL VEETIL, SWARNAVILASOM,
NARIANPARA, KATTAPPANA.
2. SUKUMARAN, AGED 50 YEARS,
S/O. RAGHAVAN NAIR, PALAKKAL VEETIL, SWARNAVILASOM,
NARIANPARA, KATTAPPANA
3. SURESH, AGED 35 YEARS,
S/O.RAGHAVAN NAIR, PALAKKAL VEETIL, SWARNAVILASOM,
NARIANPARA, KATTAPPANA.
4. AJI AGED, 33 YEARS,
S/O. MOHANAN, VELLAPINDIYIL VEETIL, MEPPARA,
AYYAPPANCIVIL, KATTAPPANA.
5. SANTHOSH, AGED 42 YEARS,
S/O. MATHAI, KALAPPARAMBIL VEETIL, MEPPARA,
AYYAPPANCIVIL, KATTAPPANA.

BY ADV. SRI.S.SACHITHANANDA PAI

**RESPONDENT(S)/(1ST RESPONDENT IS THE STATE AND OTHER
RESPONDENTS ARE DEFACTO COMPLAINANT AND VICTIMS) :-**

1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HGIHC OURT OF KEERALA, ERNAKULAM - 682 031.
2. KRISHNAPRIYA, D/O. OMANAKUTTAN, PALAKKAL VEETIL,
SWARNAVILASOM, NARIANPARA, KATTAPPANA - 685 508.

-2-

**3. ARYA, D/O.OMANAKUTTAN, PALAKKAL VEETIL,
SWARNAVILASOM, NARIANPARA, KATTAPPANA - 685 508.**

**4. MINI, W/O.OMANAKUTTAN, PALAKKAL VEETIL,
SWARNAVILASOM, NARIANPARA, KATTAPPANA - 685 508.**

**R1 BY SMT.V.H.JASMINE, PUBLIC PROSECUTOR
R2 TO R4 BY ADV. SMT.K.S.JEENA REETHA**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 29-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

rkj

Crl.MC.No. 4808 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES :-

**ANNEXURE -1 :- COPY OF THE FINAL REPORT IN CC 685/13 OF JFCM
COURT, KATTAPPANA.**

ANNEXURE -2 :- AFFIDAVIT OF RESPONDENTS 2 TO 4.

RESPONDENT(S)' ANNEXURES :- NIL

//TRUE COPY//

P.A. TO JUDGE

rkj

P.UBAID, J.

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Crl.M.C.No.4808 of 2015
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Dated this the 29th day of July, 2015

ORDER

The petitioners herein are the five accused in C.C. No.685 of 2013 of the Judicial First Class Magistrate Court, Kattappana. 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), 509 and read with Section 34 of the Indian Penal Code on the complaint of one Krishnapriya, 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 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.685 of 2013 of the Judicial First Class Magistrate Court, Kattappana 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.

Sd/-
P.UBAID
JUDGE

rkj

//TRUE COPY//

P.A. TO JUDGE