

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 4TH DAY OF AUGUST 2015/13TH SRAVANA, 1937

Crl.MC.No. 4953 of 2015

**CC NO.434/2012 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-I,
KOTTARAKKARA**

CRIME NO. 853/2011 OF PUTHOOR POLICE STATION, KOLLAM

PETITIONERS/ACCUSED NOS.1 TO 5 :-

1. AKHILRAJ, AGED 30 YEARS,
S/O.RAJENDRAN, AKHIL NIVAS, MOOZHAKOD MURIYIL,
PUTHOOR VILLAGE, KOLLAM.
2. BINU, AGED 28 YEARS,
S/O.BABU, VARIYANKALA PUTHEN VEED, VEENDAAR MURIYIL,
PUTHOOR VILLAGE, KOLLAM DISTRICT.
3. AGEESH, AGED 25 YEARS,
S/O.RAJENDRAN, MOONNUKALLUM MOOTTIL VEED,
VENDAAR MURIYIL, PUTHOOR VILLAGE, KOLLAM DISTRICT.
4. RAJEEV, AGED 28 YEARS,
S/O.RAJAN, RAJI BHAVAN, VENDAAR MURIYIL,
PUTHOOR VILLAGE, KOLLAM DISTRICT.
5. SANDEEP, AGED 25 YEARS,
S/O.SATHYADEVAN, KOTTAVILA VEED, KOTTATHALA MURI,
MILAM VILLAGE, KOLLAM.

BY ADV. SRI.R.MOHANA BABU

RESPONDENTS/STATE/DEFACTO COMPLAINANT :-

1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR.
HIGH COURT OF KERALA, ERNAKULAM - 682031.
2. AMBILI, W/O.RAJU, AGED 30 YEARS,
NOW RESIDING AT BIJU BHAVANAM,
NEAR PALAMUKK, VENDAR,
PUTHOOR VILLAGE, CHARUVILA PUTHEN VEETIL,
PATTAZHI VADAKKEKKARA VILLAGE - 691 507.

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3. RAJU, S/O.SREEDHARAN, AGED 38 YEARS,
NOW RESIDING AT BIJU BHAVANAM,
NEAR PALAMUKK, VENDAR,
PUTHOOR VILLAGE, FROM CHARUVILAPUTHEN VEED,
MALOOR, PATTAZHI VADAKKEKKARA PANCHAYATH,
KOLLAM - 691 507.

R1 BY SMT.V.H.JASMINE, PUBLIC PROSECUTOR
R2 R3 BY ADVS. SRI.M.AJITH (KARICODE)
SRI.M.SABU

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 04-08-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

rkj

APPENDIX

PETITIONER(S)' ANNEXURES :-

**ANNEXURE A: CERTIFIED COPY OF THE FIR IN CRIME NO.853/2011 OF PUTHOOR
POLICE STATION.**

**ANNEXURE B: CERTIFIED COPY OF THE RELEVANT PORTION OF THE FINAL REPORT
IN CRIME NO.853/2011 OF PUTHOOR POLICE STATION NOW PENDING
AS C.C.NO.434/2012 BEFORE THE HONOURABLE JUDICIAL FIRST
CLASS MAGISTRATE COURT - I KOTTARAKKARA.**

**ANNEXURE C: NOTARIZED AFFIDAVIT SWORN BY THE 2ND RESPONDENT DATED
25.07.2015.**

**ANNEXURE D: NOTARIZED AFFIDAVIT SWORN BY THE 3RD RESPONDENT DATED
25.07.2015.**

RESPONDENT(S)' ANNEXURES :- NIL

//TRUE COPY//

P.A. TO JUDGE

rkj

P.UBAID, J.

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Crl.M.C.No.4953 of 2015

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Dated this the 4th day of August, 2015

ORDER

The petitioners herein are the five accused in C.C.No.434 of 2012 of the Judicial First Class Magistrate Court-I, Kottarakkara. 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, 452, 354, 506(i) read with 149 of the Indian Penal Code on the complaint of one Ambili, 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 person who sustained injuries in the alleged incident is the 3rd 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.

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.434 of 2012 of the Judicial First Class Magistrate Court, Kottarakkara 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