

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. 4996 of 2015

CC 414/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-II, MANJERI

CRIME NO. 724/2013 OF KONDOTTY POLICE STATION , MALAPPURAM

PETITIONERS/ACCUSED 1 TO 4 :-

1. PRATHEESH.C., S/O.AYYAPPAN,
AGED 28 YEARS, KOORTHAMKUNDIL HOUSE,
MUTHUVALLOOR P.O., CHERAPARAMBU,
MALAPPURAM DISTRICT.
2. PRAMOD C., S/O.AYYAPPAN,
AGED 38 YEARS, KOORTHAMKUNDIL HOUSE,
MUTHUVALLOOR P.O., CHERAPARAMBU,
MALAPPURAM DISTRICT.
3. VIJESH C., S/O.AYYAPPAN,
AGED 31 YEARS, KOORTHAMKUNDIL HOUSE,
MUTHUVALLOOR P.O., CHERAPARAMBU,
MALAPPURAM DISTRICT.
4. PRATHEESH K., S/O.NARAYANAN,
AGED 26 YEARS, KOORTHAMKUNDIL HOUSE,
MUTHUVALLOOR P.O., CHERAPARAMBU,
MALAPPURAM DISTRICT.

BY ADV. SRI.T.PRASAD

RESPONDENTS/COMPLAINANT & STATE :-

1. THE STATIONS HOUSE OFFICER,
KONDOTTY POLICE STATION,
MALAPPURAM DISTRICT THROUGH
THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM.

-2-

- 2. PARAMBAN CHINNA, W/O.BALAKRISHNAN,
AGED 44 YEARS, KOORTHAMKUNDIL HOUSE,
MUTHUVALLOOR POST, CHERAPARAMBU,
MALAPPURAM DISTRICT - 676 012.**
- 3. SAJESH K., S/O.BALAKRISHNAN,
AGED 24 YEARS, KOORTHAMKUNDIL HOUSE,
MUTHUVALLOOR POST, CHERAPARAMBU,
MALAPPURAM DISTRICT - 676 012.**

**R1 BY SMT.S.HYMA, PUBLIC PROSECUTOR
R2 & R3 BY ADV. SRI.A.HAROON RASHEED**

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

Crl.MC.No. 4996 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES :-

**ANNEXURE A1 :- THE TRUE COPY OF THE FIR IN CRIME NO:724/2013 OF KONDOTTY
POLICE STATION, MALAPPURAM.**

**ANNEXURE A2 :- THE TRUE COPY OF THE FINAL REPORT IN CRIME NO:724/2013 OF
KONDOTTY POLICE STATION, MALAPPURAM.**

**ANNEXURE A3 :- THE TRUE COPY OF THE AFFIDAVIT FILED BY THE 2ND
RESPONDENT DATED 27/07/2015.**

**ANNEXURE A4 :- THE TRUE COPY OF THE AFFIDAVIT FILED BY THE 3RD
RESPONDENT DATED 27/07/2015.**

RESPONDENT(S)' ANNEXURES :- NIL

//TRUE COPY//

P.A. TO JUDGE

rkj

P.UBAID, J.

=====

Crl.M.C.No.4996 of 2015

=====

Dated this the 4th day of August, 2015

ORDER

The petitioners herein are the four accused in C.C.No.414 of 2014 of the Judicial First Class Magistrate Court-II, Manjeri. 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 447, 341, 323, and 354 read with Section 34 of the Indian Penal Code on the complaint of one Paramban Chinna, 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 victim of offence 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.414 of 2014 of the Judicial First Class Magistrate Court-II, Manjeri 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