

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 21ST DAY OF AUGUST 2015/30TH SRAVANA, 1937

Cr1.MC.No. 5824 of 2015

IN C.C 817/2011 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT,
I, VARKALA
CRIME NO. 796/2011 OF KALLAMBALAM POLICE STATION,
THIRUVANANDAPURAM

PETITIONERS/ACCUSED:

- 1.SURESH KUMAR @ RAJEN, AGED 43 YEARS,
S/O BHARATHAN, AMARAVATHI OTTUR VILLAGE,
THIRUVANANTHAPURAM.
- 2.GIREESH, S/O SOMAN, AGED 40 YEARS,
THOPPIL JUNCTION, OTTUR VILLAGE,
THIRUVANANTHAPURAM DISTRICT.
- 3.SUMESH KUMAR, S/O SIVASANGARAN,
AGED 40, AMBADI, THOPIL JUNCTION, OTTUR VILLAGE,
THIRUVANANTHAPURAM.

BY ADV. SMT.KRISHNA RAJENDRAN

RESPONDENTS/STATE AND DEFACTO COMPLAINANT:

- 1 SATHEESH, S/O SATHYAN, AGED 36 YEARS,
VALIYAKADA VEEDU, MUNOOTTY DESAM, OTTOOR VILLAGE,
THIRUVANANDAPURAM DISTRICT 695001.
2. SHINI, W/O SATHEESH S, VALIYAVILA VEEDU,
MUNOOTTY DESAM, OTTOOR VILLAGE,
THIRUVANANDAPURAM DISTICT 695001.
3. STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA

R1-2 BY ADV. SRI.SYAM J SAM
R3 BY PUBLIC PROSECUTOR SMT.S.HYMA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 21-08-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE A1: COPY OF THE CHARGE SHEET IN C.C. NO.817/2011 OF
THE JFCM I, VARKALA,

ANNEXURE A2: AFFIDAVIT SWORN BY THE 1ST RESPONDENT.

ANNEXURE A3: AFFIDAVIT SWORN BY THE 2ND RESPONDENT.

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.S TO JUDGE

ab

P.UBAID, J.
~~~~~  
**Crl.M.C No.5824 of 2015**  
~~~~~  
Dated this the 21st August, 2015

ORDER

The petitioners herein are the three accused in C.C No.817 of 2011 of the Judicial First Class Magistrate's Court-I, Varkala. 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 452, 323, 324, 354 and 427 read with 34 of Indian Penal Code on the complaint of one Satheesh, who is the 1st respondent in this proceeding brought under Section 482 of the Code of Criminal Procedure. He and the victim have 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.817 of 2011 of the Judicial First Class Magistrate's Court-I, Varkala 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**

ma