

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

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

Crl.MC.No. 5858 of 2015 ()

AGAINST CC 722/2014 of J.M.F.C.-I, MAVELIKKARA
CRIME NO. 57/2012 OF KURATHIKADU POLICE STATION , ALAPPUZHA

PETITIONERS/ ACCUSED NOS. 1 TO 4:

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1. JAYAN AGED 44 YEARS,
S/O.BHARGAVAN, KAILAS VEETIL,
ARUNOOTTIMANGALAM,
THAZHAKKARA, MAVELIKKARA, ALAPPUZHA.
 2. SIBI @ SIBI THOMAS, AGED 28 YEARS,
S/O. BABU YOHANNAN,
THATTUYPURACKAL VEEDU, ARUNOOTTIMANGALAM,
THAZHAKKARA, MAVELIKKARA, ALAPPUZHA.
 3. MANU, AGED 28 YEARS, S/O.SASIDHARAN
THUNDUPARAMBIL VEEDU,
ARUNOOTTIMANGALAM, THAZHAKKARA,
MAVELIKKARA, ALAPPUZHA.
 4. BIPIN, AGED 20 YEARS,
S/O.VARGHESE POOYAPPALLY PUTHEN VEEDU,
ARUNOOTTIMANGALAM, THAZHAKKARA,
MAVELIKKARA, ALAPPUZHA.

BY ADVS.SRI.R.SUNIL KUMAR
SMT.A.SALINI LAL

RESPONDENT(S)/COMPLAINANT/CW-1 TO 5:

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1. STATE OF KEREALA REP. BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.
 2. MOHANDAS, AGED 53 YEARS, S/O.KOCHUCHERUKKAN,
MALAYIL PADEETTATHIL VEETIL,
VETTIYAR, MAVELIKKARA.
 3. PRASANNA, AGED 47 YEARS,
W/O. MOHAN DAS
-DO- -DO-
 4. DHANYA, AGED 27 YEARS,
D/O.PRASANNA,
-DO- -DO-
 5. DIVYA DAS, AGED 25 YEARS,
D/O. PRASANNA,
-DO- -DO-

R2,3,4,5 BY ADV. SMT.T.M.BINITHA
RQ 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:

Crl.MC.No. 5858 of 2015

APPENDIX

ANNEXURE -1: COPY OF THE FINAL REPORT

ANNEXURE 2: AFFIDAVIT FILED BY THE RESPONDENTS 2 TO 5

RESPONDENTS EXHIBITS

/TRUE COPY/

P.S TO JUDGE

P.UBAID, J.
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**Crl.M.C No.5858 of 2015**  
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Dated this the 21st August, 2015

ORDER

The petitioners herein are the four accused in C.C No.722 of 2014 of the Judicial First Class Magistrate's Court-I, Mavelikara. 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 451 and 323 read with 34 of Indian Penal Code on the complaint of one Mohandas, who is the 2nd 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.722 of 2014 of the Judicial First Class Magistrate's Court-I, Mavelikara 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**

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/True copy/

P.S to Judge