

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 16TH DAY OF SEPTEMBER 2015/25TH BHADRA, 1937

CrI.MC.No. 6097 of 2015 ()

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CC 1385/2014 of JUDICIAL FIRST CLASS MAGISTRATE COURT, PIRAVOM
CRIME NO. 344/2010 OF MULANTHURUTHY POLICE STATION , ERNAKULAM DISTRICT
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PETITIONERS/ACCUSED NOS.1 TO 3:

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- 1. DINESHAN, AGED 30 YEARS
S/O.KOCHUKUNJU, ARAKKAPPARAMBIL HOUSE
INCHIMALA BHAGOM, MULANTHURUTHY, ERNAKULAM.**
 - 2. SIDHEESH, AGED 31 YEARS
S/O.KARUNAKARAN, SOODRAPPILLI HOUSE
INCHIMALA BHAGOM
MULANGTHURUTHY, ERNAKULAM.**
 - 3. JOBY, AGED 31 YEARS
S/O.JOSE, CHANDANAPPARAMBIL HOUSE
INCHIMALA BHAGOM
MULANTHURUTHY, ERNAKULAM.**

BY ADV. SRI.IEANS.C.CHAMAKKALA

RESPONDENTS:

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- 1. KUTTY, AGED 80 YEARS, S/O.KARUNAKARAN
ELLUMKALAYIL HOUSE, INCHIMALA BHAGOM
MULANTHURUTHY, ERNAKULAM 682314.**
 - 2. UDAYAN, AGED 38 YEARS
S/O.KUTTY, ELLUMKALAYIL HOUSE, INCHIMALA BHAGOM
MULANTHURUTHY, ERNAKULAM, 682314.**
 - 3. LEELA, AGED 60 YEARS
W/O.KUTTY, ELLUMKALAYIL HOUSE, INCHIMALA BHAGOM
MULANTHURUTHY, ERNAKULAM, 682314.**
 - 4. SMITHA, AGED 33 YEARS
W/O.PRASAD, ADUKKATTIL HOUSE, CHETHIKKODU KARA
EDAKKATTUVAYAL VILLAGE, ERNAKULAM 682314.**
 - 5. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, 682031.**

R1-4 BY ADV. SRI.BINU B.SAMUEL

R5 BY ADV. PUBLIC PROSECUTOR

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 16-09-2015,
ALONG WITH CRMC. 6111/2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

APPENDIX

PETITIONERS' EXHIBITS

ANNEXURE-A1: COPY OF THE F.I.STATEMENT.

ANNEXURE-A2: COPY OF THE F.I.R.

ANNEXURE-A3: COPY OF THE CHARGE SHEET.

ANNEXURE-A4: AFFIDAVIT OF THE 1ST RESPONDENT.

ANNEXURE-A5: AFFIDAVIT OF THE 2ND RESPONDENT.

ANNEXURE-A6: AFFIDAVIT OF THE 3RD RESPONDENT.

ANNEXURE-A7: AFFIDAVIT OF THE 4TH RESPONDENT.

RESPONDENTS' EXHIBITS

NIL

TRUE COPY

P.A.TO JUDGE

SD

P. UBAID, J.

Crl.M.C.No.6097 of 2015

Dated this the 16th day of September, 2015

O R D E R

The petitioners herein are the accused Nos.1 to 3 in C.C. No.1385/2014 of the Judicial First Class Magistrate Court, Piravom. 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, 323 and 324 read with Section 34 IPC, on the complaint of one Kutty, who is the 1st respondent in this proceeding brought under Section 482 of the Code of Criminal Procedure. He has filed affidavit to the effect that he has settled the whole dispute with the accused, and he has no grievance or complaint now. The other persons who sustained injuries in the alleged incident are the respondent Nos.2 to 4 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 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. 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.1385/2014 of the Judicial First Class Magistrate Court, Piravom 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. The counter case also stands settled between the parties, and the court has passed orders quashing that proceeding also.

Sd/-

P. UBAID, JUDGE

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