

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

MONDAY, THE 14TH DAY OF SEPTEMBER 2015/23RD BHADRA, 1937

Crl.MC.No. 6133 of 2015 ()

AGAINST CC 199/2015 of J.M.F.C.,NEDUMKANDOM

PETITIONER(S)/PETITIONERS/ACCUSED:

1. T.N.ASHOKAN AGED 52 YEARS
S/O. NARAYANAN, THATTAMPARAMBIL (HOUSE), KOMBAYAR
PARATHODU VILLAGE, IDUKKI DISTRICT.
2. SOJI THOMAS AGED 31 YEARS
S/O. THOMAS, THIYYANIYIL (HOUSE), VASUKUTTAN PARA
KOMBAYAR, PARATHODU VILLAGE, IDUKKI DISTRICT.
3. SHINOJ AGED 25 YEARS
S/O. SELVARAJ, NADUTHERIL (HOUSE), KOMBAYAR
PARATHODU VILLAGE, IDUKKI DISTRICT.
4. SHEEBA AGED 37 YEARS
W/O. MANOJ, KUMMINIYIL (HOUSE), MURUKAN PARA
KOMBAYAR, PARATHODU VILLAGE, IDUKKI DISTRICT.

BY ADV. SRI.JESWIN P.VARGHESE

RESPONDENTS/COMPLAINANT:

1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.
2. THANKAMMA, AGED 46 YEARS
W/O. SUKUMARAN, THAKIDIYIL HOUSE, KOMBAYAR
VASUKUTTANPARA, PARATHODE, UDUMBANCHOLA P.O.
IDUKKI DISTRICT, PIN-685554.
3. SUKUMARAN, AGED 52 YEARS
S/O. RAMAN, THAKIDIYIL HOUSE, KOMBAYAR
VASUKUTTANPARA, PARATHODE, UDUMBANCHOLA P.O.
IDUKKI DISTRICT, PIN-685554.

R2,3 BY ADV. SMT.G.VIDYA

R1 BY PUBLIC PROSECUTOR SMT.SHEEBA M.T.

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
14-09-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Crl.MC.No. 6133 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE A- THE CERTIFIED COPY OF THE FINAL REPORT REGISTERED AS C.C.NO. 199/2015 ON THE FILES OF JUDICIAL FIRST CLASS MAGISTRATE COURT, NEDUMKANDOM.

ANNEXURE B- THE AFFIDAVIT SWORN BY THE 2ND RESPONDENT DATED 10-08-2015.

ANNEXURE C- THE AFFIDAVIT SWORN BY THE 3RD RESPONDENT DATED 10-08-2015.

RESPONDENT(S)' EXHIBITS

/TRUE COPY/

P.A TO JUDGE

P.UBAID, J.

Crl.M.C No.6133 of 2015

Dated this the 14th day of September, 2015

O R D E R

The petitioners herein are the four accused in C.C No.199/2015 of the Judicial First Class Magistrate Court, Nedumkandom. 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 323 and 294(b) r/w 34 of the Indian Penal Code, on the complaint of one Thankamma, 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.

2. 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.

3. 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 further 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. 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.199/2015 of the Judicial First Class Magistrate Court, Nedumkandom 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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