

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 31ST DAY OF MARCH 2015/10TH CHAITHRA, 1937

CrI.MC.No. 5236 of 2014 ()

**IN CC 347/2014 of J.M.F.C.-I, ALUVA
CRIME NO. 860/2013 OF ALUVA WEST POLICE STATION (ALANGAD) , ERNAKULAM**

PETITIONER(S):

- 1. VISHNU SHAJAN
S/O.SHAJAN K.M, KOKKARNIKKAL HOUSE, MULANGUE
THOTTIPPAL P.O, THRISSUR 680 310.**
- 2. ROSHAN K.R
K.V.RADHAKRISHNAN, KAITHAVALAPPIL HOUSE
MILLUPADI (POTTA LANE) MUPPATHADAM P.O, ALUVA
ERNAKULAM DISTRICT. 683 110.**
- 3. ABIJITH K.THOMAS
S/O.THOMAS ANTONY, KOIPURAM HOUSE, AVULOOKKUNNU P.O
ALAPPUZHA 06.**
- 4. NASEEM SIYAD Y.P
S/O.ABOOBACKER Y.P, NOOR MAHAL HOUSE, KIZHUPARAMBA P.O
AREACODE, MALAPPURAM 673 639.**
- 5. ABIJITH DINESH
S/O.DINESH K, KALLENKANDY HOUSE, THALAYI
THALASSERY P.O, KANNUR 670 102.**
- 6. ADERSH VINAYAK S
S/O.SUDARSAN, SASI NIVAS S.V.M KOZHIKODE P.O
KARUNAGAPPALLY, KOLLAM 690 573.**
- 7. AMAL GOPI
S/O.PARAMESWARAN M.S, MAKKATTIL HOUSE
ASHTAMICHIRA P.O.**
- 8. VINOD K.MANI
S/O.M.K.MANI, AISWARYA THRIKKNGODE ROAD, MANISSERY
OTTAPPALAM, PALAKKAD 679 521.**
- 9. AJMAL JOHN
S/O.M.L.JOHN, EDASSERY MADAYATH HOUSE, MAMBRA P.O
WEST KORATTY.**

10. ARAVIND PARAMESWARAN
S/O.N.V.PARAMESWARAN, NADUVODY HOUSE, CHERUVELLOOR P.O
KORATTY VIA, 680 308.

11. ANDREW JOY
S/O.PAPPU JOY, PAYYAPPILLY HOUSE, EDAPPALLY P.O
KOCHI 682 024.

BY ADVS.SRI.NAGARAJ NARAYANAN
SRI.SAIJO HASSAN

RESPONDENT(S):

1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.

2. THE SUB INSPECTOR OF POLICE
ALUVA WEST POLICE STATION, ALUVA
ERNAKULAM DISTRICT. 683 101.

3. MIDHUN JAMES
S/O.GEORGE, PALLIPARAMBIL VEETIL, NJALAKAM KARA
NEAR SOUTH KALAMASSERY GLASS FACTORY
THRIKKAKARA NORTH 683 104.

R1-2 BY PUBLIC PROSECUTOR SMT. S. HYMA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 31-03-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Crl.MC.No. 5236 of 2014 ()

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE 1. COPY OF THE FIR DATED 1.1.14.

ANNEXURE 2. COPY OF THE CHARGE SHEET DATED 13.12.2013 IN CC 347/2014 ON THE FILE OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT 1 ALUVA.

ANNEXURE 3. COPY OF THE AFFIDAVIT FILED BY THE 3RD RESPONDENT DATED 17.9.14.

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

PA TO JUDGE
sab

P.UBAID, J.

Crl. M.C No. 5236 of 2014

Dated this the 31st day of March, 2015.

O R D E R

The petitioners herein are the eleven accused in C.C No.347 of 2014 of the Judicial First Class Magistrate Court-I, Aluva. 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 143, 147, 148, 341, 323, 324, 326 r/w 149 of IPC on the complaint of one Midhun James who is the third 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 victims of offence have also sworn that they have also settled the dispute.

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 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.347 of 2014 of the Judicial First Class Magistrate Court-I, Aluva will stand quashed under Section 482 of the Code of Criminal Procedure. Accordingly, the petitioners will stand released from prosecution.

Sd/-
P.UBAID,
JUDGE