

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 8TH DAY OF OCTOBER 2015/16TH ASWINA, 1937

Cri.MC.No. 6597 of 2015 ()

**C.C.NO. 1240/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, CHAVARA
CRIME NO. 1080/2014 OF THEKKUMBHAGOM POLICE STATION , KOLLAM**

PETITIONER:

**BAIJU, AGED 42 YEARS, S/O. KASMEL, KAROTTU VEEDU, (BEETA COTTAGE),
ARUNALLOR NORTH, THEVALAKKARA, KOLLAM (dt)**

BY ADV. SRI.SUNNY ZACHARIAH

RESPONDENTS:

- 1. STATE OF KERALA REPRESENTED BY THE SUB INSPECTOR OF
POLICE, THEKKUMBHAGOM POLICE STATION,THROUGH THE PUBLIC
PROSECUTOR, HIGH COURT OF KERALA, KOCHI – 682 031.**
- 2. VIJAYAMMA, W/O. CELESTIN, M.J HOUSE, ARUNALLOR,
THEVALAKKARA, KOLLAM.**
- 3. MYJIN, S/O. LATE LAWRENCE, M.J HOUSE, ARUNALLOR,
THEVALAKKARA, KOLLAM.**
- 4. ELSY, W/O. LATE LAWRENCE, M.J HOUSE, ARUNALLOR,
THEVALAKKARA, KOLLAM.**

**R2-R4 BY ADV. SRI.M.G.SREEJITH
R BY PUBLIC PROSECUTOR SMT. SHEEBA M.T.**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
08-10-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

APPENDIX

PETITIONER(S)' ANNEXURE:

- ANNEXURE-1:** THE CERTIFIED COPY OF CC 1240/2014 IN THE FILE OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT, CHAVARA.
- ANNEXURE-2 (a):** THE CERTIFIED COPY OF THE ACCIDENT CUM WOUND CERTIFICATE OF CW-1.
- ANNEXURE-2 (b):** THE CERTIFIED COPY OF THE ACCIDENT CUM WOUND CERTIFICATE OF CW-2
- ANNEXURE-2 (c):** THE CERTIFIED COPY OF THE ACCIDENT CUM WOUND CERTIFICATE OF CW-3
- ANNEXURE-3 (a):** THE TRUE COPY OF THE AFFIDAVITS OF THE RESPONDENT NO.2
- ANNEXURE-3 (b):** THE TRUE COPY OF THE AFFIDAVITS OF THE RESPONDENT NO.3
- ANNEXURE-3 (c):** THE TRUE COPY OF THE AFFIDAVITS OF THE RESPONDENT NO.4

RESPONDENT(S)' ANNEXURE: NIL

/TRUE COPY/

P.A. TO JUDGE

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P.UBAID, J.

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Crl.M.C.No.6597 of 2015

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Dated this the 8th day of October, 2015

ORDER

The petitioner herein is the sole accused in C.C.No.1240 of 2014 of the Judicial First Class Magistrate Court, Chavara, Kollam. He seeks orders quashing the prosecution on the ground of amicable settlement of the whole dispute between him/them and the de facto complainant. Crime in this case was registered under Sections 451, 324, 323, 294(b) and 427 on the complaint of one Vijayamma, 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. The other persons who sustained injuries in the alleged incident are the respondents 3 and 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, 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 petitioner herein in C.C.No.1240 of 2014 of the Judicial First Class Magistrate Court, Chavara, Kollam will stand quashed under Section 482 of the Code of Criminal

Procedure. Accordingly, the petitioner will stand released from prosecution, and the bail bond, if any, executed by him will stand discharged.

Sd/-

**P.UBAID
JUDGE**

rkj

//TRUE COPY//

P.A. TO JUDGE