

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 9TH DAY OF OCTOBER 2015/17TH ASWINA, 1937

Cr1.MC.No. 6625 of 2015

IN C.C NO.543/2013 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT
I, VARKALA
CRIME NO. 1039/2009 OF VARKALA POLICE STATION, THIRUVANANDAPURAM

PETITIONERS/ACCUSED NO.1 TO 4:

1. AJAYKUMAR, AGED 32 YEARS,
S/O. MOHANKUMAR, NIRVRITHY VEEDU,
NEAR KODUMOOTIL TEMPLE, KOTTIYOORUM,
PARIPALLY VILLAGE (A1)
2. RAJEEV @ POTTY, AGED 38 YEARS,
S/O. BHASKARAN, GOKULAM VEEDU, MEENAMBALAM JUNCTION,
KARIBALLOOR DESOM, PARIPALLY VILLAGE,
THIRUVANANTHAPURAM (A2)
3. SHIBU, AGED 27 YEARS,
S/O. VIJAYAN, SHIJU BHAVAN, KAVALIKKONAM,
KIZHAKKAMBALAM, KOTTIYOORAM CHERIYIL,
PARIPALLY VILLAGE (A3)
4. SUJITH, AGED 27 YEARS,
S/O SUNDARAN PILLAI , PARIPALLY THESUVILA JUNCTION,
KOTTIYOORAM CHERIYIL, PARIPALLY (A4)

BY ADV. SRI.V.S.THOSHIN

RESPONDENTS/DEFACTO COMPLAINANT:

1. REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA,
ERNAKULAM THROUGH THE SUB INSPECTOR OF POLICE,
VARKALA, THIRUVANANTHAPURAM
2. JYOTHISH, AGED 45 YEARS,
S/O. SURENDRANATH, RESIDING AT 'CHALAVILA' VEEDU,
NEAR THOPPINTHODU JUNCTION, HARIHARAPURAM DESOM,
AIYROOR VILLAGE, VARKALA
THIRUVANANTHAPURAM (DEFACTO COMPLAINANT)

R2 BY ADV. SRI.JOHN THITHEEMOS

R1 BY PUBLIC PROSECUTOR SMT.SHEEBA M.T

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 09-10-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Cr1.MC.No. 6625 of 2015

APPENDIX

PETITIONERS' ANNEXURES:

ANNEXURE A: COPY OF THE FINAL REPORT IN CC NO. 543/13 BEFORE
JFMC I, VADAKARA, THIRUVANANTHAPURAM

ANNEXURE B: COMPROMISE AFFIDAVIT OF 2ND RESPONDENT/CW2

ANNEXURE C: COPY OF THE CERTIFICATE OF CW1 PETITION FOR STAY

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

ab

P.UBAID, J.

Crl.M.C No.6625 of 2015

Dated this the 9th day of October, 2015

O R D E R

The petitioners herein are the four accused in C.C No.543/2013 of the Judicial First Class Magistrate Court I, Varkala, involving the offences under Sections 143, 147, 148, 149, 452, 324, 326 and 427 of the Indian Penal Code. They seek orders quashing the prosecution on the ground of amicable settlement of the whole dispute out of court. Crime in this case was registered on the complaint of one Vanajakshi, aged 85 years. She and also her son Jyothish sustained injuries in the alleged incident. Pending the proceedings the complainant Vanajashi died. The petitioners have now produced a copy of the death certificate proving her death. The other victim of offence, Jyothish, is the 2nd respondent herein. 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.

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 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.543/2013 of the Judicial First Class Magistrate Court I, Varkala 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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