

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 27TH DAY OF OCTOBER 2015/5TH KARTHIKA, 1937

Crl.MC.No. 6915 of 2015

**CC 1449/2015 of TEMPORARY JUDICIAL FIRST CLASS MAGISTRATE COURT,
NJARAKKAL**

CRIME NO. 163/2015 OF MUNAMBOM POLICE STATION, ERNAKULAM

PETITIONER(S)/ACCUSED :-

**JUSTIN, S/O.JOHNY, AGED 35 YEARS,
THACHIL VEEDU, N.KUTHIATHODU,
PUTHENVELIKARA, ERNAKULAM DISTRICT.**

BY ADV. SRI.AMJAD ALI

RESPONDENT(S)/STATE & DEFACTO COMPLAINANT/INJURED :-

- 1. STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM,
THROUGH STATION HOUSE OFFICER,
MUNAMBOM POLICE STATION,
ERNAKULAM DISTRICT.**
- 2. SOJO, AGED 36 YEARS,
S/O.JOSEPH, KAITHARAN HOUSE,
CHERAI, ERNAKULAM DISTRICT-682 315.**
- 3. JOSEPH, AGED 65 YEARS,
S/O.VARGHESE, KAITHARAN HOUSE,
CHERAI, ERNAKULAM DISTRICT-682 315.**
- 4. SHOSHAMMA, AGED 64 YEARS,
W/O.JOSEPH, KAITHARAN HOUSE,
CHERAI, ERNAKULAM DISTRICT-682 315.**
- 5. SMIJA, AGED 30 YEARS,
D/O.JOSEPH, KAITHARAN HOUSE,
CHERAI, ERNAKULAM DISTRICT-682 315.**

**R2-R5 BY ADV. SRI.MANSOOR.B.H.
R1 BY SMT.SHEEBA M.T., PUBLIC PROSECUTOR**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 27-10-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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APPENDIX

PETITIONER(S)' ANNEXURES :-

**ANNEXURE A : CERTIFIED COPY OF THE CHARGE SHEET IN CRIME NO.163/2015
OF MUNAMBOM POLICE STATION.**

**ANNEXURE B : AFFIDAVIT OF SETTLEMENT FILED BY THE DEFACTO
COMPLAINANT/SECOND RESPONDENT.**

**ANNEXURE C : AFFIDAVIT OF SETTLEMENT FILED BY THE DEFACTO
COMPLAINANT/THIRD RESPONDENT.**

**ANNEXURE D : AFFIDAVIT OF SETTLEMENT FILED BY THE DEFACTO
COMPLAINANT/FOURTH RESPONDENT.**

**ANNEXURE E : AFFIDAVIT OF SETTLEMENT FILED BY THE DEFACTO
COMPLAINANT/FIFTH RESPONDENT.**

RESPONDENT(S)' ANNEXURES :- NIL

//TRUE COPY//

P.A. TO JUDGE

rkj

P.UBAID, J.

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Crl.M.C.No.6915 of 2015
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Dated this the 27th day of October, 2015

ORDER

The petitioner herein is the sole accused in C.C.No.1449 of 2015 of the Judicial First Class Magistrate Court, Njarakkal. He seeks orders quashing the prosecution on the ground of amicable settlement of the whole dispute between him and the de facto complainant. Crime in this case was registered under Sections 447, 323, 324 and 326 of the Indian Penal Code on the complaint of one Sojo, who is the 2nd 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 respondents 3 to 5 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.1449 of 2015 of the Judicial First Class Magistrate Court, Njarakkal 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