

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE P.UBAID**

**TUESDAY, THE 15TH DAY OF DECEMBER 2015/24TH AGRAHAYANA, 1937**

**Crl.MC.No. 7356 of 2015 ()**  
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**CRIME NO. 756/2014 OF NARAKKAL POLICE STATION , ERNAKULAM**

**PETITIONER(S)/JUVENILE IN CONFLICT WITH LAW:**  
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**TINU P.MARTIN AGED 18 YEARS  
D/O.MARTIN P.A. @ BENSON, PANDARAHUNDIYIL  
EDAVANAKKAD P.O., ERNAKULAM - 682 502.**

**BY ADV. SRI.M.R.NANDAKUMAR**

**RESPONDENT(S)/STATE AND DEFACTO COMPLAINANTS:**  
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- 1. STATE OF KERALA  
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA  
ERNAKULAM.**
- 2. RAHUL, AGED 18 YEARS  
S/O.RAJAPPAN, MURIKKATHARA VEEDU, ANNIYIL PADINJARU  
EDAVANAKKAD VILLAGE - 682 502.**
- 3. SALMA, AGED 38 YEARS  
W/O.RAJAPPAN, MURIKKATHARA VEEDU, ANNIYIL PADINJARU  
EDAVANAKKAD VILLAGE - 682 502.**

**R2 & R3 BY ADV. SMT.S.L.SYLAJA  
R1 BY SRI JUSTIN JACOB, PUBLIC PROSECUTOR**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 15-12-2015, THE  
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

**Crl.MC.No. 7356 of 2015 ()**  
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**APPENDIX**

**PETITIONER(S)' EXHIBITS :**  
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**ANNEXURE-A: COPY OF THE FIR IN CRIME 756/2014 OF NJARAKKAL POLICE STATION**

**ANNEXURE-B: COPY OF THE FINAL REPORT IN CRIME 756/2014 OF NJARAKKAL POLICE STATION.**

**ANNEXURE-C: AFFIDAVIT FILED BY THE 2ND RESPONDENT DATED 18.11.2015**

**ANNEXURE-D: AFFIDAVIT FILED BY THE 3RD RESPONDENT DATED 18.11.2015**

**RESPONDENT(S)' EXHIBITS: N I L**  
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**//TRUE COPY//**

**P.A. TO JUDGE**

**JV**

**P. UBAID, J.**

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**Crl.M.C.No.7356 of 2015**  
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**Dated this the 15<sup>th</sup> day of December, 2015**

**ORDER**

The petitioner herein is the sole accused in C.C.No.20/2015 of Juvenile Justice Board, Kakkanad. He seeks orders quashing the prosecution on the ground of amicable settlement of the whole dispute between him and the de facto complainants. Crime in this case was registered under Sections 143, 147, 452, 323, 354, 294(b), read with Section 149 IPC, on the complaint of one Raju, who is the 2<sup>nd</sup> 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 victim of offence is the 3<sup>rd</sup> respondent in this proceeding. She has also filed affidavit to the effect that she has settled the whole dispute with the accused, and she 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 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. 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. The case against the other accused (non-juvenile accused) stands quashed as per the order in CrI.M.C.No.7358/2015. A counter case also stands settled and quashed.

In the result, this petition is allowed. The prosecution against the petitioner herein in C.C.No.20/2015 of the Juvenile Justice Board, Kakkanad 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.

JV

SD/-  
**P. UBAID**  
**JUDGE**