

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. 7358 of 2015 ()

CRIME NO. 756/2014 OF NARAKKAL POLICE STATION , ERNAKULAM

PETITIONER(S)/ACCUSED:

1. **AMBROSE P.A. @ BAIJU AGED 49 YEARS**
S/O.ANTONY, PANDARAHUNDIYIL
EDAVANAKKAD P.O.,ERNAKULAM - 682 502.
2. **MARTIN P.A. @ BENSON AGED 45 YEARS**
S/O.ANTONY, PANDARAHUNDIYIL
EDAVANAKKAD P.O.,ERNAKULAM - 682 502.
3. **PAUL A AMBROSE AGED 26 YEARS**
S/O.AMBROSE, PANDARAHUNDIYIL
EDAVANAKKAD P.O.,ERNAKULAM - 682 502.
4. **JOHNSON K.J AGED 50 YEARS**
S/O.JOSEPH, KALARICKAL, EDAVANAKKAD
ERNAKULAM 682 501.

BY ADV. SRI.M.R.NANDAKUMAR

RESPONDENTS/STATE AND DEFACTO COMPLAINANTS:

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 PARINJARU
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. 7358 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

- 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

//TRUE COPY//

P.A. TO JUDGE

JV

P. UBAID, J.

Crl.M.C.No.7358 of 2015

Dated this the 15th day of December, 2015

ORDER

The petitioners herein are the four accused in C.C.No.860/2014 of the Judicial First Class Magistrate Court, Njarakkal. 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, 452, 323, 354 and 294(b) read with 149 IPC, on the complaint of one Rahul, 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 victim of offence is the 3rd 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 juvenile in conflict with law stands quashed as per the order in Crl.M.C.No.7356/2015, and the counter case also stands settled and quashed.

In the result, this petition is allowed. The prosecution against the petitioners herein in C.C.No.860/2014 of the Judicial First Class Magistrate Court, Njarakkal 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.