

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

MONDAY, THE 23RD DAY OF NOVEMBER 2015/2ND AGRAHAYANA, 1937

Crl.MC.No. 7370 of 2015

CP 44/2015 of J.M.F.C.-I, CHENGANNUR

CRIME NO. 38/2015 OF MANNAR POLICE STATION, ALAPPUZHA

PETITIONER/ACCUSED :-

**VISHNU, AGED 20 YEARS, S/O.NANDAKUMAR,
THUNDIYIL VEEDU, ENNAKKADU MURI,
ENNAKKADU VILLAGE, CHENGANNUR TALUK,
ALAPPUZHA DISTRICT.**

BY ADV. SRI.AJITH MURALI

RESPONDENT(S)/COMPLAINANT :-

- 1. STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**
- 2. VIVEK KUMAR, AGED 16 YEARS, S/O.VINOD KUMAR,
PARAEKKAL VEETIL, ENNAKKADU MURI,
ENNAKKADU VILLAGE, CHENGANNUR TALUK,
ALAPPUZHA, REPRESENTED BY 3RD RESPONDENT,
MOTHER/LEGAL GUARDIAN, PIN - 689 121.**
- 3. MAYA, AGED 38 YEARS, W/O.VINOD KUMAR,
PARAEKKAL VEETIL, ENNAKKADU MURI,
ENNAKKADU VILLAGE, CHENGANNUR TALUK,
ALAPPUZHA DISTRICT - 689 121.**

**R2 & R3 BY ADV. SRI.DINESH THANKAPPAN
R1 BY SRI.JUSTIN JACOB, PUBLIC PROSECUTOR**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 23-11-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

rkj

APPENDIX

PETITIONER(S)' ANNEXURES :-

**ANNEXURE A : A PHOTO COPY OF THE CHARGE SHEET IN CRIME NO.38/2015
OF MANNAR POLICE STATION.**

ANNEXURE B : AFFIDAVIT FILED BY THE 3RD RESPONDENT.

RESPONDENT(S)' ANNEXURES :- NIL

//TRUE COPY//

P.A. TO JUDGE

rkj

P.UBAID, J.

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Crl.M.C.No.7370 of 2015
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Dated this the 23rd day of November, 2015

ORDER

The petitioner herein is the sole accused in C.P.No.44 of 2015 of the Judicial First Class Magistrate Court- I, Chengannur. 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, 294(b), 323 and 324 IPC and Section 23 of the Juvenile Justice Act on the complaint of one Vivek Kumar, 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 person who sustained injuries in the alleged incident 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, 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.P.No.44 of 2015 of the Judicial First Class Magistrate Court- I, Chengannur 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.

rkj

Sd/-
P.UBAID
JUDGE

//TRUE COPY//

P.A. TO JUDGE