

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 17TH DAY OF DECEMBER 2015/26TH AGRAHAYANA, 1937

Crl.MC.No. 7517 of 2015 ()

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CC 950/2015 of JUDICIAL FIRST CLASS MAGISTRATE COURT-I, ALAPPUZHA
CRIME NO. 629/2014 OF MANNANCHERRY POLICE STATION, ALAPPUZHA DISTRICT
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PETITIONERS/ACCUSED NOS.1 TO 8:

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- 1. ASOKAN, AGED 54 YEARS
S/O.PRABHAKARAN, MECHERIVELI VEEDU, WARD NO.14
MANNANCHERY PANCHAYAT, ALAPPUZHA DISTRICT.**
 - 2. ARUN, S/O.ASOKAN, MECHERIVELI VEEDU, WARD NO.14
MANNANCHERY PANCHAYAT, ALAPPUZHA DISTRICT.**
 - 3. AJESH, S/O.SHARMADAN, NIKARTHILVELIL VEEDU, WARD NO.12
MANNANCHERY PANCHAYATH, ALAPPUZHA.**
 - 4. VIJIKUMAR, S/O.HARIDAS, NIKARTHIL VEEDU, WARD NO.14
MANNANCHERY PANCHAYATH, ALAPPUZHA.**
 - 5. VISHNU, S/O.JAYANDAN, NIKARTHIL VEEDU, WARD NO.14
MANNANCHERY PANCHAYATH, ALAPPUZHA.**
 - 6. BINU, S/O.JAYACHANDRAN, NIKARTHIL VEEDU, WARD NO.14
MANNANCHERY PANCHAYATH, ALAPPUZHA.**
 - 7. ANU, S/O.GOPINATHAN NAIR, VADAKKETHAYYIL VEEDU
WARD NO.14, MANNANCHERY PANCHAYATH, ALAPPUZHA.**
 - 8. PRASANTH, S/O.PAVITHRAN, VADAKKETHAYYIL VEEDU
WARD NO.14, MANNANCHERY PANCHAYATH, ALAPPUZHA DISTRICT.**

BY ADV. SRI.B.PRAMOD

RESPONDENTS/RESPONDENTS:

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- 1. STATE OF KERALA
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM.**
 - 2. SINDHU, W/O.SAJEEVAN, MUNDUCHIRA VEEDU, WARD NO.14
MANNANCHERY PANCHAYAT, ALAPPUZHA DISTRICT.**

**3. SANDEEP, S/O.SAJEEVAN, MUNDUCHIRA VEEDU, WARD NO.14
MANNANCHERY PANCHAYAT, ALAPPUZHA DISTRICT.**

***ADDL.R4. SAJITH, S/O. SAJEEVAN, AGED 21 YEARS
MUNDUCHIRA VEEDU, WARD NO.14
MANNANCHERY PANCHAYAT, ALAPPUZHA DISTRICT.**

***ADDL.R5. SANEESH, S/O. SAJEEVAN, AGED 26 YEARS
MUNDUCHIRA VEEDU, WARD NO.14
MANNANCHERY PANCHAYAT, ALAPPUZHA DISTRICT.**

***ADDL.R4 AND R5 ARE IMPEADED AS PER ORDER IN Crl.M.A.No.11790/2015 DATED
17.12.2015**

**R2-R3 ADDL.R4,R5 BY ADV. SRI.P.SHANES METHAR
R1 BY PUBLIC PROSECUTOR SMT. SHEEBA M.T.**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 17-12-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

APPENDIX

PETITIONERS' EXHIBITS

**ANNEXURE I- TRUE COPY OF THE CHARGE-SHEET IN CRIME NO.629/2014 OF
MANNANCHERY POLICE STATION, ALAPPUZHA DISTRICT.**

**ANNEXURE II- TRUE COPY OF THE ADVISE MEMO DATED 15.07.2015 ISSUED BY THE
KERALA PSC TO THE 3RD PETITIONER.**

ANNEXURE III- AFFIDAVIT SWORN BY THE 2ND RESPONDENT.

ANNEXURE IV- AFFIDAVIT SWORN BY THE 3RD RESPONDENT.

RESPONDENTS' EXHIBITS

NIL

// TRUE COPY //

P.A. TO JUDGE

SD

P. UBAID, J.

Crl.M.C.No.7517 of 2015

Dated this the 17th day of December, 2015

O R D E R

The petitioners herein are the eight accused in C.C. No.950/2015 of the Judicial First Class Magistrate Court-I, Alappuzha. 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, 148, 149, 452, 341, 294(b) 506(ii), 324 and 427 IPC, on the complaint of one Sindhu, who is the 2nd respondent in this proceeding brought under Section 482 of the Code of Criminal Procedure. She has filed affidavit to the effect that she 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 respondent No.3 in this proceeding. He has also 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 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.

In the result, this petition is allowed. The prosecution against the petitioners herein in C.C. No.950/2015 of the Judicial First Class Magistrate Court-I, Alappuzha 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. The counter case also stands settled and quashed.

Sd/-
P. UBAID, JUDGE

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// True Copy //

P.A. to Judge