

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

MONDAY, THE 2ND DAY OF FEBRUARY 2015/13TH MAGHA, 1936

CrI.MC.No. 6426 of 2014 ()

AGAINST SC 1072/2010 AND S.C NO.407 OF 13 of SUB COURT, MAVELIKKARA

PETITIONER(S)/1ST,2ND,3RD,4TH,5TH,7TH ACCUSED:

1. ANZAR
S/O.KUNJUMON, PADIPPURAKKAL PADEETETHIL
KAYAMKULAM MURI, KAYAMKULAM VILLAGE.
2. YAZAR ARAFATH
S/O.ABDULLATHEEF, VALIYAPARAMBIL, KAYAMKULAM MURI
KAYAMKULAM VILLAGE.
3. KUNJUMON
S/O.POOKKUNJU, THANGAL VEETIL, KAYAMKULAM MURI
KAYAMKULAM VILLAGE.
4. SAJEEV,
S/O.ABDUL SAMAD, VALIYATHU THEKKETHIL
PADA VADAKKU MURI, KARUNAGAPPALLY VILLAGE.
5. BIJU V,
S/O.VIJAYAN, ARUPATHIL, PUTHENVEEDU
KANICHANELLOR MURI, CHEPPAD VILLAGE.
6. ADARSH.
S/O.SASI, ANU BHAVANAM, PUTHUPPALLYKUNNAM MURI
NOORANAD VILLAGE.

BY ADV. SRI.K.R.SUNIL

RESPONDENT(S)/COMPLAINANT:

1. STATE OF KERALA,
THE SUB INSPECTOR OF POLICE
KAYAMKULAM POLICE STATION
KAYAMKULAM. REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, KOCHI-31.
2. VIJAYAKUMAR
S/O.MADHAVAN, PANAYANCHERIL HOUSE, ERUVA MURI
PATHIYOOR VILLAGE - 688513.

R2 BY ADV. SRI.ASHOK SURESH

R1 BY ADV. PUBLIC PROSECUTOR SMT.S.HYMA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
02-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Crl.MC.No. 6426 of 2014 ()

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE A1- THE COPY OF THE FIRST INFORMATION REPORT IN CRIME
NUMBER 514 OF 2010, JFCM, KAYAMKULAM.

ANNEXURE A2- THE CERTIFIED COPY OF THE FINAL REPORT DATED 17.8.2005
SUBMITTED BY THE 1ST RESPONDENT BEFORE THE JUDICIAL FIRST CLASS
MAGISTRATE COURT I, KAYAMKULAM.

RESPONDENT(S)' EXHIBITS

/TRUE COPY/

P.S TO JUDGE

P.UBAID, J.

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**Crl.M.C No. 6426 of 2014**

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Dated this the 2nd February, 2015

ORDER

The petitioners herein are the accused Nos 1 to 5 and 7 in Crime No.514 of 2005 of the Kayamkulam Police Station. The case against these petitioners is now pending as S.C Nos.1072 of 2010 and 407 of 2013 before the Assistant Sessions Court, Mavelikara. 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, 447 and 427 of Indian Penal Code and also under Sections 7 (B) and 27 (ii) of the Arms Act, on the complaint of one Vijayakumar, who is the 2nd respondent in this proceeding brought under Section 482 of the Code of Criminal Procedure. The parties have filed joint statement to the effect that the whole dispute stands settled, and the 2nd respondent 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 the prosecution 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 petitioners herein in S.C Nos.1072 of 2010 and 407 of 2013 of the Assistant Sessions Court, Mavelikara 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.

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/True copy/

**Sd/-
P.UBAID
JUDGE**

P.S to Judge