

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 16TH DAY OF DECEMBER 2015/25TH AGRAHAYANA, 1937

Cr1.MC.No. 7853 of 2015

IN CP 72/2015 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT I,
ALAPPUZHA
CRIME NO. 430/2015 OF ALAPPUZHA NORTH POLICE STATION,
ALAPPUZHA

PETITIONER/ACCUSED:

MANU @ MANUEL, AGED 25 YEARS,
S/O.SITTUS, PALLIKATHAYIL VEEDU,
THUMPOLY WARD,
THUMPOLY P.O., ALAPPUZHA.

BY ADV. SRI.P.SHANES METHAR

RESPONDENTS/COMPLAINANT:

1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.
2. VAIJO, AGED 16 YEARS,
S/O.SIBICHAN @ STALIN, ARAYASSERY VEEDU,
THUMPOLY WARD, THUMPOLY P.O.
ALAPPUZHA. REPRESENTEDBY HIS FATHER AND GUARDIAN
SIBICHAN @ STALIN, AGED 46 YEARS,
S/O.ELIAS, ARAYASSERY VEEDU, THUMPOLY WARD,
THUMPOLY P.O., ALAPPUZHA - 688 123.
3. SIBICHAN @ STALIN, AGED 46 YEARS
S/O.ELIAS, ARAYASSERY VEEDU,
THUMPOLY WARD, THUMPOLY P.O.,
ALAPPUZHA - 688 123.

R2,3 BY ADV. SRI.RAJAN JACOB MUNDACKAL
R1 BY PUBLIC PROSECUTOR SMT.SHEEBA M.T

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 16-12-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

Cr1.MC.No. 7853 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE-I: CERTIFIED COPY OF THE FIR IN CRIME NO.430/2015
OF ALAPPUZHA NORTH POLICE STATION, ALAPPUZHA DISTRICT.

ANNEXURE-II: CERTIFIED COPY OF THE FINAL REPORT/CHARGE SHEET
IN CRIME NO.430/2015 OF ALAPPUZHA POLICE STATION, ALAPPUZHA
DISTRICT.

ANNEXURE-III: AFFIDAVIT SWORN BY THE 3RD RESPONDENT

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

ab

P.UBAID, J.

Crl.M.C No. 7853 of 2015

Dated this the 16th day of December, 2015

O R D E R

The petitioner herein is the accused in C.P No.72/2015 of the Judicial First Class Magistrate Court I, Alappuzha. 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 341 and 323 of the Indian Penal Code and Section 23 of the Juvenile Justice Act, on the complaint of one Vajio, who is the second respondent in this proceeding brought under Section 482 of the Code of Criminal Procedure. The third respondent is the father of the 2nd respondent. He has filed affidavit for himself and on behalf of the second respondent to the effect that they have settled the whole dispute with the accused, and they have 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. 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. On a perusal of the materials I find that the allegation under Section 23 of the Juvenile Justice Act is baseless. This is only a simple case of assault on a juvenile. A mere assault will not attract a prosecution under Section 23 of the Juvenile Justice Act. The other offences under Sections 341 and 323 IPC are well compoundable under the law. Anyway, the parties have come to terms and the whole dispute stands resolved forever.

In the result, this petition is allowed. The prosecution against the petitioner herein in C.P No.72/2015 of the Judicial First Class Magistrate Court I, Alappuzha 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.

**Sd/-
P.UBAID
JUDGE**

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//True Copy//