

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. 7071 of 2014 ()

**IN SC 286/2011 of ASSISTANT SESSIONS COURT, CHENGANNUR
CRIME NO. 682/2009 OF CHENGANNOOR POLICE STATION , ALAPPUZHA**

PETITIONER(S)/ACCUSED 1 TO 5:

- 1. ANILKUMAR AGED 27 YEARS
S/O. CHANDRAN, PLAVUNILKUNNATHIL HOUSE, ALA NORTH MURI
ALA VILLAGE, CHENGANNUR TALUK, ALAPPUZHA DISTRICT.**
- 2. AJITH AGED 27 YEARS
S/O. BHASKARAN, KALEEKKAL PALLATHU HOUSE
ALA NORTH MURI, ALA VILLAGE, CHENGANNUR TALUK
ALAPPUZHA DISTRICT.**

BY ADV. SRI.K.JAYARAJ

RESPONDENT(S):

- 1. STATE OF KERALA
REPRESENTED BY SUB INSPECTOR OF POLICE, CHENGANNUR
THROUGH PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM.**
- 2. SAJIKUMAR @ THAMPI
S/O. RAGHAVAN, KUTTIKKATTIL HOUSE, ALA MURI
ALA VILLAGE, ALA NORTH MURI, CHENGANNUR TALUK
ALAPPUZHA DISTRICT.**

**R2 BY ADV. SRI.K.M.ANEESH
R1 BY PUBLIC PROSECUTOR SMT. P. MAYA**

**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. 7071 of 2014 ()

APPENDIX

PETITIONER(S)' EXHIBITS

A1 - CERTIFIED COPY OF THE PINAL REPORT.

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

PA TO JUDGE
sab

P.UBAID, J.

Crl. M.C No. 7071 of 2014

Dated this the 2nd day of February, 2015.

O R D E R

The petitioners herein are the accused Nos. 1 and 5 in S.C No.286/2011 of the Assistant Sessions Court, Chengannur. 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, 323, 324, 326 and 308 IPC, on the complaint of one Sajikumar who is the second 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 all the accused including the petitioners herein, and that he has no grievance or complaint now. He has stated in the affidavit that he would not proceed against the other accused. This means that if the case against the others goes to trial, the material witnesses will not support the prosecution. So there is no question of orders in favour of these petitioners in any manner affecting the prosecution against the other accused.

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 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 petitioners herein in S.C No.286 of 2011 of the Assistant Sessions Court-Chengannur 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.

P.UBAID,
JUDGE