

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 26TH DAY OF MARCH 2015/5TH CHAITHRA, 1937

Crl.MC.No. 7461 of 2014 ()

**CARRECTED AS SC/37/13 OF ADDL. DISTRICT AND SESSIONS COURT, KASARAGOD
PC 85/2006 AND PENDING AS SC NO. 633/2006 OS SESSIONS COURT, KASARAGOD**

PETITIONER/ACCUSED :

**PRASADA SHETTY, AGED 28 YEARS,
S/O.RAMAYYA SHETTY, R/AT BHOOTHAKALLU,
BADOOR VILLAGE, KASARAGOD DISTRICT.**

BY ADV. SRI.KODOTH SREEDHARAN

RESPONDENTS/COMPLAINANT :

- 1. STATE OF KERALA
THROUGH THE STATION HOUSE OFFICER BADIADKA,
REPRESENTED BY ITS PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. B.M.NARAYANA, AGED 51 YEARS,
S/O.MUDHA, R/AT BADOOR PADAVU HOUSE,
BADOOR VILLAGE, KASARAGOD DISTRICT.**
- 3. SATHEESAN B.P., AGED 30 YEARS,
S/O.B.M.NARAYANA, R/AT BADOOR PADAVU HOUSE,
BADOOR VILLAGE, KASARAGOD DISTRICT.**
- 4. SATHEESA, AGED 31 YEARS,
S/O.SADANANDA, R/AT BADOOR PADAVU HOUSE,
BADOOR VILLAGE, KASARAGOD DISTRICT.**
- 5. KAVITHA, AGED 28 YEARS,
S/O.SADANANDA, R/AT BADOOR PADAVU HOUSE,
BADOOR VILLAGE, KASARAGOD DISTRICT.**

**R1 BY PUBLIC PROSECUTOR SMT. S. HYMA
R2 TO R5 BY ADV. SMT.C.B.SUMA DEVI**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 26-03-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

Crl.MC.No. 7461 of 2014 ()

APPENDIX

PETITIONER'S ANNEXURES :

**ANNEXURE I: COPY OF THE FINAL REPORT IN CRIME NO. 213/2005 29/9/2005
BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT,
KASARAGOD.**

RESPONDENT'S ANNEXURES : NIL.

//TRUE COPY//

P.A TO JUDGE

bp

P. UBAID, J.

Crl.M.C.No.7461 of 2014

Dated this the 26th day of March, 2015

O R D E R

The petitioner herein is the original 9th accused in Crime No.213/2005 of the Badiaduka Police Station, Kasaragod District. The offences involved in the case are under Sections 143, 147, 148, 427, 324 and 308 IPC. The case against the other accused involved in the crime stands withdrawn under Section 321 Cr.P.C. Copy of the judgment of the trial court in C.C.No.633/2006 shows discharge of the other accused under Section 321(b) Cr.P.C., on the application of the learned Public Prosecutor in charge of the case. The case against the petitioner was split up and refiled when he remained consistently absent. The case is now pending as S.C.No.37/2013 before the Additional Sessions Judge, Kasaragod. The petitioner seeks orders quashing the prosecution against him on the ground of amicable settlement of the dispute between him and the victim of offence, in view of the withdrawal as against the others. The defacto complainant and the other victim of offence are the respondents 2 and 3 in this proceeding brought under Section 482 Cr.P.C. They have filed

affidavit to the effect that the whole dispute stands settled, and they have no grievance or complaint now. In fact, on a perusal of the final report, I find that Section 308 IPC was incorporated by the police on the basis of a hypothetical statement. Any way, the parties have now come to terms, and the whole dispute stands settled. The case against the other accused stands withdrawn. In such a situation, continuance of prosecution against the petitioner will not serve any purpose, other than wasting the precious time of the court.

In the result, this petition is allowed. The prosecution against the petitioner herein as 9th accused in Crime No.213/2005 of the Badiaduka Police Station, which is now pending as S.C.No.37/2013 in the Court of Session, Kasaragod, will stand quashed under Section 482 Cr.P.C.

Sd/-
P. UBAID, JUDGE

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