
(2010) 12 KL CK 0039
In the High Court Of Kerala
Case No : Criminal M.C. No. 4240 of 2010

Saneesh and Others

APPELLANT

Vs

State of Kerala, Dhaneesh and Chakkappan

RESPONDENT

Date of Decision : 02-12-2010

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Penal Code, 1860 (IPC) — Section 143, 147, 148, 149, 427

Citation : (2010) 12 KL CK 0039

Hon'ble Judges : Sasidharan Nambiar, J

Bench : Single Bench

Advocate : K.S. Rajeev Aluva, for the Appellant; Public Prosecutor, for the Respondent

Final Decision : Allowed

Judgement

M. Sasidharan Nambiar, J.—Petitioners are the accused and Respondents 2 and 3, the defacto complainant and the injured in C.C. No. 1669/2009 on the file of Judicial First Class Magistrate's Court, Perumbavoor, taken cognizance for the offences under Sections 143, 147, 148, 452, 427 and 506(ii) read with Section 149 of Indian Penal Code. Prosecution case is that on 14.3.2006 at about 12.45 a.m., Petitioners formed themselves into an unlawful assembly with the common object of trespassing into the house of the second Respondent and causing damages and in furtherance of the common object, armed with deadly weapons, they trespassed into house of the second Respondent and damaged Television, Chairs and Motor Cycle and committed a loss of Rs. 50,000/- and at that time, pointing out a sword on the neck of the third Respondent and threatened him of dire consequences that he will be murdered and thereby committed the offences. This petition is filed u/s 482 of Code of Criminal Procedure to quash the proceedings contending that entire disputes were settled amicably with Respondents 2 and 3 and in view of the settlement, it is not in the interest of justice to continue the prosecution.

2. Respondents 2 and 3 appeared through a counsel and filed separate affidavits stating that they have settled all the disputes amicably and consequent to the settlement, they have no objection for quashing the proceedings.

3. Learned Counsel appearing for the Petitioners, Respondents 2 and 3 and learned Public Prosecutor were heard.

4. Annexure-A final report shows that offences alleged against the Petitioners are purely personal in nature against Respondents 2 and 3. Affidavits filed by Respondents 2 and 3 establish that they have settled the entire disputes with Petitioners. As held by the Apex Court in Madan Mohan Abbot v. State of Punjab (2008 (3) KLT 19), when the offences alleged against the Petitioners are purely personal in nature and all the disputes were settled amicably between Petitioners and Respondents 2 and 3 and consequent to the settlement there is no likelihood of a successful prosecution, it is not in the interest of justice to continue the prosecution.

5. Petition is allowed. C.C. No. 1669/2009 on the file of Judicial First Class Magistrate's Court, Perumbavoor is quashed.