

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 6TH DAY OF JANUARY 2015/16TH POUSHA, 19361

Cr1.MC.No. 10 of 2015

IN CC 278/2014 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT,
MALAPPURAM

CRIME NO. 2/2013 OF VENGARA POLICE STATION , MALAPPURAM

PETITIONERS/ACCUSED:

1. ABU TAHIR, AGED 27 YEARS,
S/O.KUNJALIKUTTY, PANDIKADAVATH HOUSE, KARATHODU,
URAKOM, VENGARA, MALAPPURAM DISTRICT.
2. KABEER, AGED 23 YEARS,
S/O.MOHAMMED, CHAKKINGALTHODI HOUSE, URAKOM
MELMURI, MALAPPURAM DISTRICT.
3. BHARATHAN, AGED 29 YEARS,
S/O.BHASKARAN, ALAMBATTA HOUSE, URAKOM,
MELMURI P.O., KARATHODU, MALAPPURAM DISTRICT.
4. SADIKALI, AGED 21 YEARS,
S/O.ALAVI, NARAYANKUNNEN HOUSE, URAKOM,
MELMURI P.O., KARATHODU, MALAPPURAM DISTRICT.

BY ADV. SRI.P.SAMSUDIN

RESPONDENTS/STATE AND DE-FACTO COMPLAINANT:

1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA
ERNAKULAM -682 031. (CRIME NO.2/2013 OF VENGARA
POLICE STATION IN MALAPPURAM DISTRICT).
2. SUHALI, AGED 27 YEARS,
S/O.MOHAMMEDKUTTY HAJI, THOTTASSERI HOUSE,
OORAKAM KEEZHMURI, OK MURI P.O - 679 324
THIRURANGADI TALUK, MALAPPURAM DISTRICT.

R2 BY ADV. SRI.K.C.ANTONY MATHEW
R1 BY PUBLIC PROSECUTOR SMT.S.HYMA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 06-01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Cr1.MC.No. 10 of 2015

APPENDIX

PETITIONERS' ANNEXURES:

ANNEXURE-A1: COPY OF THE FINAL REPORT IN CRIME NO.2/2013 OF
VENGARA POLICE STATION.

ANNEXURE-A2: COPY OF THE AFFIDAVIT DATED 22.12.2014 SWORN IN BY
THE 2ND RESPONDENT.

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

ab

P.UBAID, J.

Crl.M.C No.10 of 2015

Dated this the 6th day of January, 2015

O R D E R

The petitioners herein are the four accused in C.C No.278/2014 of the Judicial First Class Magistrate Court, Malappuram. Crime in the said case was registered under Sections 341, 323 and 324 r/w 34 of the Indian Penal Code, on the complaint of one Suhail. The petitioners now seek orders quashing the prosecution as against them on the ground that they and the defacto complainant have amicably settled the dispute out of court. The defacto complainant Suhail is the second respondent in this proceeding. He has filed affidavit to the effect that he has settled the whole dispute with the accused, and he has no complaint or grievance now. I am well satisfied that there is a real and genuine settlement between the parties, and I find that continuance of prosecution in such a situation will not serve any purpose, other than wasting the precious time of the court. Nobody will support the prosecution if the case against the petitioners goes to trial.

In the result, this Criminal Miscellaneous Case is allowed. The prosecution against the petitioners herein in C.C No.278/2014 before the Judicial First Class Magistrate Court, Malappuram, 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**

ab