

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

Crl.MC.No. 26 of 2015 ()

**IN CC 1324/2014 of JUDICIAL FIRST CLASS MAGISTRATE COURT,KASARAGOD
CRIME NO. 107/2014 OF BADIADUKKA POLICE STATION , KASARAGOD**

PETITIONER(S)/ACCUSED:

- 1. MUHAMMED ASHRAF AGED 30 YEARS
S/O.ABOOBACKER HAJI, R/AT CHERUNNU, BOLKATTA
BADIADKA, KASARAGOD TALUK.**
- 2. C.H.FISAL, AGED 41 YEARS
S/O.YOUSUF, R/AT CHERUNNI, MOUVVAR
KUMBADAJE VILLAGE, KASABA VILLAGE, KASARAGOD.**

**BY ADVS.SRI.T.B.SHAJIMON
SMT.GOVINDU P.RENUKADEVI**

RESPONDENT(S)/RESPONDENTS/COMPLAINANT/STATE:

- 1. VANISH, AGED 23 YEARS
S/O.KUNHANNA MOOLYA, R/AT AT POSALIGA HOUSE, BELINJA
YETHAILLAGE, KASARAGOD TALUK.**
- 2. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.**

**R1 BY ADV. SRI SIJU MATHEW
R2 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:**

Crl.MC.No. 26 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE A1: THE COPY OF THE FINAL REPORT

ANNEXURE A2: THE AFFIDAVIT

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

PA TO JUDGE
sab

P.UBAID, J.

Crl. M.C No. 26 of 2015

Dated this the 6th day of January, 2015.

O R D E R

The petitioners herein are the two accused in C.C No.1324/2014 of the Judicial First Class Magistrate Court – I, Kasaragod. Crime in this case was registered under Sections 341, 323, 324, 506(i) r/w 34 IPC on the complaint of one Vanish, S/o Kunhanna Moolya. The petitioners now seek orders quashing the prosecution on the ground that they and the de facto complainant have come to terms amicably out of court. The de facto complainant Vanish is the first respondent in this proceeding. He has filed affidavit to the effect that he has settled the dispute with the accused, and he has no grievance or complaint. I find that the parties have really come to terms. In such a situation, continuance of the prosecution will not serve any purpose, other than wasting the precious time of the court, because nobody will support the prosecution, if the case goes to trial.

In the result, this petition is allowed. The prosecution against the petitioners in C.C. No.1324/2014 of the Judicial First Class Magistrate Court- I, Kasaragod will stand quashed under Section

482 Cr.P.C. Accordingly, the petitioners will stand released from prosecution, and the bail bond, if any, executed by them will stand discharged.

P.UBAID,
JUDGE

sab