

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. 34 of 2015

IN CC 855/2013 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT-I,
PERINTHALMANNA
CRIME NO. 419/2013 OF PERINTHALMANNA POLICE STATION, MALAPPURAM

PETITIONERS/ACCUSED:

1. SAIFU @ SAIFUDHEEN, AGED 24 YEARS,
S/O.ABDU, KALATHIL VEEDU, CHERUKARA,
PERINTHALMANNA.
2. SHEMIM, AGED 23 YEARS,
S/O.ABDU, KALATHIL VEEDU, CHERUKARA,
PERINTHALMANNA.
3. MANZOOR, AGED 23 YEARS
S/O.MOIDEEN, MADATHIL VEEDU, CHERUKARA
PERINTHALMANNA.
4. SANTHOSH KUMAR, AGED 25 YEARS,
S/O.VIJAYAN, ALAKKAPARAMBU HOUSE, CHERUKARA,
PERINTHALMANNA.
5. RAMESH, AGED 26 YEARS,
S/O.KILIYAN, MAMPETTA HOUSE, CHERUKARA,
PERINTHALMANNA.

BY ADVS.SRI.C.M.KAMMAPPU

SRI.P.A.PETER

SMT.TINTU GEORGE

RESPONDENTS/STATE AND DEFACTO COMPLAINANT/INJURED:

1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA
ERNAKULAM-682031 (THROUGH STATION HOUSE OFFICER
PERINTHALMANNA POLICE STATION, MALAPPURAM DISTRICT).
2. PRASAD C.K., AGED 25 YEARS,
S/O.VEDUDEVAN, CHATHANKUMARAKATHIL VEEDU, PULINKAVU
CHERUKARA, PERINTHALMANNA-690026.

R2 BY ADV. SRI.MANSOOR.B.H.

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. 34 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE A: COPY OF THE FINAL REPORT IN CRIME NO.419/2013 OF
PERINTHALMANNA POLICE STATION.

RESPONDENT'S ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.34 of 2015

Dated this the 6th day of January, 2015

O R D E R

The petitioners herein are the five accused in C.C No.855/2013 of the Judicial First Class Magistrate Court I, Perinthalmanna. Crime in the said case was registered under Sections 143, 147, 148, 341, 323 and 324 r/w 149 of the Indian Penal Code, on the complaint of one Prasad. 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 Prasad 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 petitioner herein in C.C No.855/2013 before the Judicial First Class Magistrate Court I, Perinthalmanna, 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**

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