

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

MONDAY, THE 2ND DAY OF MARCH 2015/11TH PHALGUNA, 1936

Crl.MC.No. 80 of 2015

**C.C.NO.2244/2014 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT-I, HOSDURG
CRIME NO. 1147/2011 OF HOSDURG POLICE STATION , KASARGOD DISTRICT**

PETITIONER(S)/ACCUSED 1-5 :

- 1. SUBAIR, AGED 38 YEARS,
S/O.MUHAMMED, RESIDING AT VENGACHERY HOUSE, CB ROAD,
CHAMMUNDIKUNNU, CHITHARI VILLAGE, HOSDURG TALUK,
KASARAGOD DISTRICT.**
- 2. M.HASSAN, AGED 39 YEARS,
S/O.ABDUL KHADER @ ANDUKKA,
RESIDING AT HOUSE NO.AP XXI/267, CHAMMUNDIKUNNU,
CHITHARI VILLAGE, HOSDURG TALUK, KASARAGOD DISTRICT.**
- 3. SHAMSEER A.V, AGED 27 YEARS,
S/O.ABBAS, RESIDING AT KOTTILANGADU, CHITHARI VILLAGE,
HOSDURG TALUK, KASARAGOD DISTRICT.**
- 4. NUHUMAN ALI, AGED 22 YEARS,
S/O.ISHAK, RESIDING AT AP XXI/205, BAITHUL MUNNA HOUSE,
MUNIYANCOD, CHAMMUNDIKUNNU, CHITHARI VILLAGE,
HOSDURG TALUK, KASARAGOD DISTRICT.**
- 5. NISSAR C.H, AGED 23 YEARS,
S/O.IBRAHIM @ UMBAYI, RESIDING AT NORTH CHITHARI,
CHAMMUNDIKUNNU, CHITHARI VILLAGE, HOSDURG TALUK,
KASARAGOD DISTRICT.**

BY ADV. SRI.T.MADHU

RESPONDENT(S)/STATE :

- 1. THE STATE OF KERALA,
THROUGH THE STATION HOUSE OFFICER, HOSDURG POLICE STATION,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.**
- 2. P.VIJAYAN, AGED 40 YEARS,
S/O.SUKUMARAN, RESIDING AT THEKKEVALAPPU, CHITHARI,
RAVANESHWARAM, HOSDURG TALUK, KASARAGOD DISTRICT-671 316.**

**R1 BY PUBLIC PROSECUTOR SMT.S.MAYA
R2 BY ADV. SMT.BINDUMOL JOSEPH**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 02-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' ANNEXURES :

- ANNEXURE A1: THE TRUE CERTIFIED COPY OF THE FIR IN
 CRIME NO.1147/2011 OF HOSDURG POLICE STATION.**
- ANNEXURE A2: THE TRUE CERTIFIED COPY OF THE FINAL REPORT IN
 CRIME NO.1147/2011 OF HOSDURG POLICE STATION.**
- ANNEXURE A3: THE AFFIDAVIT DATED 29.12.2014 SWORN IN BY
 THE 2ND RESPONDENT.**

RESPONDENT(S)' ANNEXURES :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

P. UBAID, J.

Crl.M.C. No.80 of 2015

Dated this the 2nd day of March, 2015

O R D E R

The petitioners herein are the five accused in C.C.No.2244/2014 of the Judicial First Class Magistrate Court - I, Hosdurg. They seek orders quashing the prosecution on the ground of amicable settlement of the whole dispute between them and the de facto complainant. Crime in this case was registered under Sections 143, 147, 148, 341, 324, 506(ii) and 153(A) read with Section 149 IPC on the complaint of one Vijayan, who is the 2nd respondent in this proceeding brought under Section 482 of the Code of Criminal Procedure. He has filed affidavit to the effect that he has settled the whole dispute with the accused and he has no grievance or complaint now.

2. In so many decisions, the Hon'ble Supreme Court has held that even in cases involving non-compoundable offences, the High Court can quash prosecution in pending proceedings, if the parties have really settled the whole dispute amicably out of court, and continuance of further proceedings/prosecution will not serve any purpose in such a circumstance of amicable settlement.

Here, I find a real and genuine case of settlement between the parties. This is not a case involving any public interest or public issue. The parties have come to terms amicably on the intervention of persons acceptable to both sides, and I am satisfied that the parties are now on quite cordial terms. In such a situation, continuance of the prosecution will not serve any purpose other than wasting the precious time of the court. No doubt, nobody will support the prosecution in such a situation, if the case goes to trial.

In the result, this petition is allowed. The prosecution against the petitioners herein in C.C.No.2244/2014 of the Judicial First Class Magistrate Court-I, Hosdurg 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.

Sd/-

P. UBAID, JUDGE

sd

