

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 9TH DAY OF JANUARY 2015/19TH POUSHA, 1936

Cr1.MC.No. 124 of 2015  
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AGAINST IN CC 158/2014 OF THE JUDICIAL FIRST CLASS MAGISTRATE  
COURT-I, HOSDRUG

CRIME NO. 163/2013 OF CHANDERA POLICE STATION , KASARGOD

PETITIONERS/ACCUSED 1 TO 3:  
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1. U.C. MUHAMMED KUNHI, AGED 56 YEARS,  
S/O.ABDULLA HAJI, RESIDING AT MOOSAHAJIMUKKU,  
PADANE VILLAGE, HOSDURG TALUK, KASARAGOD DISTRICT.
2. ABDUL RAHIMAN N.B., AGED 40 YEARS,  
S/O.LATE ABDUL KHADER, RESIDING AT RAFFA VILLA,  
NEAR PADANE CO-OPERATIVE BANK, PADANE, PADANE VILLAGE,  
HOSDURG TALUK, KASARAGOD DISTRICT.
3. MUHAMMED RAFEEQUE T.K.M., AGED 40 YEARS,  
S/O.T.ABDUL REHIMAN, RESIDING AT MARIYUMMA MANZIL,  
NEAR JUMA MASJID, PADANE, PADANE VILLAGE,  
HOSDURG TALUK, KASARAGOD DISTRICT.

BY ADV. SRI.T.MADHU

RESPONDENTS/STATE:  
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1. BINEESH M., AGED 33 YEARS,  
S/O.NARAYANAN P., RESIDING AT MAPIDECHERY HOUSE,  
MAVILAKADAPPURAM, PADNE VILLAGE, HOSDURG TALUK,  
KASARAGOD DISTRICT - 671 314.
2. THE STATE OF KERALA,  
THROUGH THE STATION HOUSE OFFICER,  
CHANDERA POLICE STATION,  
REPRESENTED BY THE PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, ERNAKULAM - 682 031.

R1 BY ADV. SMT.BINDUMOL JOSEPH  
R2 BY PUBLIC PROSECUTOR SMT.S.HYMA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION  
ON 09-01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Cr1.MC.No. 124 of 2015  
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APPENDIX

PETITIONERS' ANNEXURES:  
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ANNEXURE A1. COPY OF THE FIR IN CRIME NO.163/2013 OF CHANDERA  
POLICE STATION.

ANNEXURE A2. COPY OF THE FINAL REPORT IN CRIME NO.163/2013 OF  
CHANDERA POLICE STATION.

ANNEXURE A3. THE AFFIDAVIT DATED 29.11.2014 SWORN IN THE 1ST  
RESPONDENT.

ANNEXURE A4. COPY OF THE MEMO OF EVIDENCE IN CRIME NO.163/2013 OF  
CHANDERA POLICE STATION.

RESPONDENTS' ANNEXURES:  
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NIL

//TRUE COPY//

P.A TO JUDGE

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**P.UBAID, J.**

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**Crl.M.C No.124 of 2015**  
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Dated this the 9<sup>th</sup> day of January, 2015

**O R D E R**

The petitioners herein are the three accused in C.C. No.158/2014 of the Judicial First Class Magistrate Court I, Hosdurg. 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 Bineesh. 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 Bineesh is the first 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. Composition as such is not possible because non-compoundable offences are also involved.

In the result, this Criminal Miscellaneous Case is allowed. The prosecution against the petitioners herein in C.C No.158/2014 before 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.

**P.UBAID  
JUDGE**

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