

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 20TH DAY OF JANUARY 2015/30TH POUSHA, 1936

Cr1.MC.No. 139 of 2015

IN SC 1292/2014 of ADDL.SESIONS COURT - IV, KOZHIKODE

CRIME NO. 482/2013 OF VALAYAM POLICE STATION, KOZHIKODE

PETITIONER/ACCUSED:

PUTHIYOTTIL FAISAL, AGED 29 YEARS,
S/O. HASSAN, PUTHIYOTTIL HOSUE,
THANAKKOTTOOR P.O.
PARAKADAVU CHAEKKYAD VILLAGE-673101.

BY ADV. SRI.M.G.SREEJITH

RESPONDENTS/STATE/DEFACTO COMPLAINANT:

1. STATE OF KERALA,
REPRESENTED BY THE SUB INSPECTOR OF POLICE,
VADAKKEKARA POLICE STATION
THROUGH THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA
PIN-682031.
2. SUBASH,
S/O. CHANDRAN, MEENJERI KUZHIYIL, THANAKKOTTOR,
CHEKKIDAD PANCHAYAT, PIN-673 101.

R2 BY ADV. SRI.ABDUL JALEEL ONATH
R1 BY PUBLIC PROSECUTOR SMT.P.MAYA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 20-01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Cr1.MC.No. 139 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

ANX.A1. COPY OF THE CHARGE IN CRIME NO.482/2013 AND NOW S.C. NO.
1292/2014 IN THE FILE OF ADDL. SESSIONS COURT-IV, KOZHIKODE.

ANX.A2. COPY OF THE AFFIDAVIT FILED BY 2ND RESPONDENT
DATED 20-12-14.

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

ab

P.UBAID, J.

Crl.M.C No.139 of 2015

Dated this the 20th day of January, 2015

O R D E R

The petitioner herein is the sole accused in S.C No.1292/2014 of the Additional Sessions Court IV, Kozhikode. He seeks orders quashing the prosecution on the ground of amicable settlement of the whole dispute between him and the de facto complainant. Crime in this case was registered under Sections 143, 147, 148, 294(b), 341, 323, 324, 308 and 149 of the Indian Penal Code on the complaint of one Subash, 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 the prosecution in pending proceedings, if the parties have really settled the whole dispute amicably out of court, and continuance of further 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. Here I find that Section 308 of the Indian Penal Code was incorporated by the police on the basis of some hypothetical statement.

In the result, this petition is allowed. The prosecution against the petitioner herein in S.C No.1292/2014 of the Additional Sessions Court IV, Kozhikode will stand quashed under Section 482 of the Code of Criminal Procedure. Accordingly, the petitioner will stand released from prosecution and the bail bond, if any, executed by him will stand discharged.

**P.UBAID
JUDGE**

ab