

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 15TH DAY OF JANUARY 2015/25TH POUSHA, 1936

Cr1.MC.No. 263 of 2015

IN CC 25/2014 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT-I,
HOSDRUG

CRIME NO. 653/2013 OF HOSDURG POLICE STATION , KASARGOD

PETITIONERS/ACCUSED 1,3,5,7,9,10:

1. JAFFAR P., AGED 25 YEARS,
S/O KUNJAHAMMAD, PARAKKAT HOUSE, THEKKEPPURAM
AJANUR VILLAGE
2. MUBASH M, AGED 20 YEARS,
S/O MAJEEDM, KAMAL HOUSE, THEKKEPPURAM,
AJANUR VILLAGE.
3. BADHARUDHEEN N.V., AGED 28 YEARS
S/O.N.V.ABDULLA, NIYAS MANZIL, THEKKEPURAM,
AJANUR VILLAGE
4. RASHID A.P, AGED 26 YEARS,
S/O ABDULLA, ALEEMA MANZIL, THEKKEPPURAM,
AJANUR VILLAGE
5. NIZZAM M.S, AGED 20 YEARS,
S/O SHAMSUDHEEN M.E, PADIKKAL HOUSE, THEKKEPPURAM,
AJANUR VILLAGE.
6. AJMAL M, AGED 20 YEARS,
S/O ABOOBACKER M., JABBAL NAGAR, THEKKEPPURAM,
AJANUR VILLAGE

BY ADV. SRI.C.K.SREEJITH

RESPONDENTS/STATE, COMPLAINANT & DE-FACTO COMPLAINANT:-:

1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682031
2. THE STATION HOUSE OFFICER,
HOSDURG POLICE STATION, REP.BY PUBLIC PROSECTOR
HIGH COURT OF KERALA, ERNAKULAM-682031

3. LOHITH N.V., AGED 28 YEARS,
S/O K.V. JANARDHARAN,
RESIDING AT NAYARACHAN VEEDU,
PADINHAREKARA, AJANAUR VILLAGE,
MANIKOTH POST-671 316

R3 BY ADV. SRI.MURUGAN P.V.
R1 & R2 BY PUBLIC PROSECUTOR SMT.P.MAYA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 15-01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Cr1.MC.No. 263 of 2015

APPENDIX

PETITIONERS ANNEXURES:

ANNEXURE A1: COPY OF THE FIR NO.653/2013

ANNEXURE A2: COPY OF THE MEMO OF EVIDENCE GIVEN BY THE DE-FACTO
COMPLAINANT

ANNEXURE A3: COPY OF THE FINAL REPORT

ANNEXURE A4:- COPY OF THE AFFIDAVIT SWORN BY THE 3RD RESPONDENT.

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.263 of 2015

Dated this the 15th day of January, 2015

O R D E R

The petitioners herein are the accused Nos.1, 3, 5, 7, 9 and 10 in C.C No.25/2014 before the Judicial First Class Magistrate Court I, Hosdurg. Crime in the said case was registered under Sections 143, 147, 148, 341 and 324 r/w 149 of the Indian Penal Code, on the complaint of one Lohith. The petitioners now seek orders quashing the prosecution as against them on the ground that they and the defacto complainant have amicably settled the whole dispute out of court. The defacto complainant Lohith is the third 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. He has also stated that the dispute is in fact purely personal in nature, and the said dispute stands resolved forever. I find that orders quashing the prosecution as against these persons will not affect the case against the other accused. In the circumstance of amicable settlement made out of court, I find

that continuance of prosecution 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. It is submitted that the other accused are not parties here because they are now abroad. There is reason to believe that the complainant has settled the whole dispute with all the accused including those who are not parties here.

In the result, this Criminal Miscellaneous Case is allowed. The prosecution against the petitioners herein in C.C No.25/2014 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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