

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 16TH DAY OF JANUARY 2015/26TH POUSHA, 1936

Crl.MC.No. 299 of 2015 ()

IN CC 1825/2014 of JUDICIAL FIRST CLASS MAGISTRATE COURT, VADAKARA

PETITIONER(S)/ACCUSED NOS. 1 TO 7:

1. AFSAL, AGED 22 YEARS
S/O.KUNHABDULLA, THUNDIYIL HOUSE, CHEKKIAD AMSOM DESOM
VATAKARA TALUK.
2. NAVAS, AGED 20 YEARS
S/O.HASSAN, MECHIKKATT HOUSE, CHEKKIAD AMSOM DESOM
VATAKARA TALUK.
3. SUBAIR, AGED 21 YEARS
S/O.MOIDU, THUNDIYIL HOUSE, CHEKKIAD AMSOM DESOM
VATAKARA TALUK.
4. YOUNAS, AGED 25 YEARS
S/O.AHAMAD, PALOL HOUSE, PARAKKADAVU AMSOM DESOM
VATAKARA TALUK.
5. THALIB, AGED 22 YEARS
S/O.AMMAD, KUNNUMMAL THAZHE HOUSE
CHEKKIAD AMSOM DESOM, VATAKARA TALUK.
6. SAJEER, AGED 20 YEARS
S/O.ALI HAJI, KALLU KOTHIYIL HOUSE
CHEKKIAD AMSOM DESOM, VATAKARA TALUK.
7. HARIS, AGED 21 YEARS
S/O.AHAMAD, THAYYULLATHIL HOUSE, CHEKKIAD AMSOM DESOM
VATAKARA TALUK.

BY ADV. SRI.ZUBAIR PULIKKOOL

RESPONDENT(S)/COMPLAINANTS:

1. ANEESHAN,, AGED 28 YEARS
S/O.KUNHIRAMAN
KALLIL THAMASIKKUM CHERIYA KUNNUMMAL HOUSE
PARAKKADAVU AMSOM, THANAKKOTTUR DESOM, VATAKARA TALUK.

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**2. STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA.**

**R1 BY ADV. SMT.PA.ANEESHA
R1 BY ADV. SMT.SUMA A.GAFOOR
R2 BY PUBLIC PROSECUTOR SMT. P.MAYA**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 16-01-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE I : TRUE COPY OF THE FIR AND POLICE CHARGE IN CRIME NO.162/12 OF VALAYAM POLICE STATION.

ANNEXURE II : TRUE COPY OF THE SWORN AFFIDAVIT OF THE 1ST RESPONDENT.

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

PA TO JUDGE
sab

P.UBAID, J.

Crl. M.C No. 299 of 2015

Dated this the 16th day of January, 2015.

O R D E R

The petitioners are the accused No.1 to 7 in C.C No. 1825/2014 of the Judicial First Class Magistrate Court, Nadapuram. 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, 153A, 341, 323, 324 r/w 149 of IPC, on the complaint of one Aneeshan who is the first 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 the 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.1825 of 2014 of the Judicial First Class Magistrate's Court, Nadapuram 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