

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 12TH DAY OF MARCH 2015/21ST PHALGUNA, 1936

Crl.MC.No. 303 of 2015 ()

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CC 400/2014 of JUDICIAL FIRST CLASS MAGISTRATE COURT-I, HOSDRUG
CRIME NO. 1155/2011 OF HOSDURG POLICE STATION, KASARGOD DISTRICT
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PETITIONERS/A1 TO A8:

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- 1. JAYAN, AGED 45 YEARS, S/O.LATE KRISHNAN
KUNNUMAL HOUSE, RAVANESHWARAM
CHITHARI GRAMAM, KASARAGOD DISTRICT.**
 - 2. SREENATH, AGED 23 YEARS, S/O.KUNHIRAMAN
MUKKUDU, RAVANESHWARAM
CHITHARI VILLAGE, KASARAGOD DISTRICT.**
 - 3. MOHANAN, AGED 31 YEARS, S/O.DAMODARAN
KOTILAGADU HOUSE, ORAVANKARA
CHITHARI VILLAGE, KASARAGOD DISTRICT.**
 - 4. RANJITH, AGED 22 YEARS, S/O.RATNAKARAN
RAMAGIRI KITTUVALLAPU, RAVANESHWARAM
CHITHARI VILLAGE, KASARAGOD DISTRICT.**
 - 5. MANESH, AGED 25 YEARS, S/O.SHANTHA
KALINGAL, MUKKUDU, RAVANESHWARAM
CHITHARI VILLAGE, KASARAGOD DISTRICT.**
 - 6. SHIJITH, AGED 24 YEARS, S/O.JAYAN, KUNNUMAL
CHIRAKKAL, MUKKUDU, RAVANESHWARAM
CHITHARI VILLAGE, KASARAGOD DISTRICT.**
 - 7. VINOD @ VINU, AGED 21 YEARS, S/O.RAPPAKUNJI
KOTILAGADU, CHITHARI VILLAGE, KASARAGOD DISTRICT.**
 - 8. SAI K., AGED 29 YEARS, S/O.JANU NARAYANAN
KOTILAGADU, CHITHARI VILLAGE, KASARAGOD DISTRICT.**

BY ADV. SRI.S.VISHNU (TRIPUNITHURA)

RESPONDENTS/COMPLAINANT/DEFACTO COMPLAINANT:

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- 1. STATE OF KERALA, REPRESENTED BY THE S.I. OF POLICE
HOSDURG (CRIME 1155/11 OF HOSDURG POLICE STATION)
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA.**

2. MOOSA B.K., AGED 45 YEARS
S/O.ABDUL KHADER, MOOSAMIL HOUSE, KOTTILLAGADU
HOSDURG TALUK, RAVANESHWARAM P.O., CHITHARI VILLAGE
KASARAGOD DISTRICT, PIN-671 316.

R2 BY ADV. SRI.C.M.JUNAIR
R1 BY PUBLIC PROSECUTOR SMT. P.MAYA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 12-03-2015,
ALONG WITH CRMC. 309/2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

APPENDIX

PETITIONERS' EXHIBITS

**ANNEXURE I : A CERTIFIED COPY OF THE FINAL REPORT AS C.C.400/14 PENDING ON
THE FILE OF JFCM-I COURT, HOSDURG.**

ANNEXURE II : AFFIDAVIT SWORN BY CW1 IN ANNEXURE-I.

RESPONDENTS' EXHIBITS

NIL

// TRUE COPY // P.A. TO JUDGE

SD

P.UBAID, J.

Crl.M.C No.303 of 2015

Dated this the 12th March, 2015

O R D E R

The petitioners herein are the eight accused in C.C.No.400/2014 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, 427, 452, 506(ii) and 153(A) read with 149 IPC on the complaint of one Moosa, 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 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.400/2014 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

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