

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. 308 of 2015 ()

**IN CC 271/2012 of JUDICIAL FIRST CLASS MAGISTRATE COURT,TIRUR
CRIME NO. 456/2011 OF VALANCHERY POLICE STATION , MALAPPURAM**

PETITIONER(S)/ACCUSED:

**RAHIM, AGED 26 YEARS
S/O.SAITHALAVI, ADAKUNNATH HOUSE, MAVANDIYOOR P.O.
ALAVIHAIJIPADI, VALANCHERRY, MALAPPURAM DISTRICT.**

BY ADV. SRI.SANTHEEP ANKARATH

RESPONDENT(S)/STATE & DEFACTO COMPLAINANT:

**1. STATE OF KERALA,
REPRESENTED BY ITS PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM
REPRESENTING SUB INSPECTOR OF POLICE
VALANCHERRY POLICE STATION, VALANCHERRY
MALAPPURAM DISTRICT, PIN-676 552.**

**2. NASAR,, AGED 34 YEARS
S/O.MAMMOOTTY, CHERADAN HOUSE, MAVANDIYOOR
EDAYOOR P.O., MALAPPURAM DISTRICT, PIN-676 552.**

**R2 BY ADV. SRI.ARUN MATHEW VADAKKAN
R1 BY PUBLIC PROSECUTOR SMT. S. HYMA**

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

Crl.MC.No. 308 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE A1 : TRUE COPY OF FIRST INFORMATION REPORT DATED 24-10-2011 IN
CRIME NO.456/2011 OF VALANCHERRY POLICE STATION.**

ANNEXURE A2 : AFFIDAVIT EXECUTED BY THE 2ND RESPONDENT DATED 18-12-2014.

**ANNEXURE A3 : TRUE COPY OF FINAL REPORT DATED 19-11-2011 IN CRIME
NO.456/2011 OF VALANCHERRY POLICE STATION.**

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

PA TO JUDGE
sab

P.UBAID, J.

Crl. M.C No. 308 of 2015

Dated this the 16th day of January, 2015.

O R D E R

The petitioner herein is the sole accused in C.C No. 271 of 2012 of the Judicial First Class Magistrate Court, Tirur. 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 341 and 324 of IPC, on the complaint of one Nasar who is the second 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 the proceedings 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. 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 petitioner herein in C.C No.271 of 2012 of the Judicial First Class Magistrate's Court, Tirur 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

sab