

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. 309 of 2015 ()

**CC 2485/2013 of JUDICIAL FIRST CLASS MAGISTRATE COURT-I, HOSDRUG
CRIME NO. 1153/2011 OF HOSDURG POLICE STATION, KASARGOD DISTRICT**
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PETITIONERS/A1 TO A6:

- 1. AJEESH M., AGED 23 YEARS
S/O.ACHUTHAN, MUKKUD, RAVANESHWARAM
CHITHARI VILLAGE, KASARAGOD DISTRICT.**
- 2. DINESHAN, AGED 35 YEARS
S/O.BOLLAN, KULLATHIGAL, RAVANESHWARAM
CHITHARI VILLAGE, KASARAGOD DISTRICT.**
- 3. PRADEESH, AGED 32 YEARS
S/O.CHANDRAN, KUNNUMAL CHIRAKKAL, RAVANESHWARAM
CHITHARI VILLAGE, KASARAGOD DISTRICT.**
- 4. SHIJITH C., AGED 25 YEARS
S/O.JAYAN, KUNNUMAL CHIRAKKAL, MUKKUD
CHITHARI VILLAGE, KASARAGOD DISTRICT.**
- 5. NARAYANAN, AGED 31 YEARS
S/O.KRISHNAN, MUKKUD, KUNNUMAL CHIRAKKAL
CHITHARI VILLAGE, KASARAGOD DISTRICT.**
- 6. KUNHIRAMAN, AGED 27 YEARS
S/O.KRISHNAN, ORAVANGARA, CHITHARI VILLAGE
KASARAGOD DISTRICT.**

BY ADV. SRI.S.VISHNU (TRIPUNITHURA)

RESPONDENTS/COMPLAINANT:

- 1. STATE OF KERALA THROUGH THE
BY THE S.I. OF POLICE
HOSDURG (CRIME 1153/11 OF HOSDURG POLICE STATION)
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA.**
- 2. ZUHARA, AGED 39 YEARS
W/O.MUHAMMED KUNHI, ZUHARA MANZIL, KOTTILANGAD
CHITHARI VILLAGE, KASARAGOD-671 316.**

**R2 BY ADV. SRI.C.M.JUNAIR
R BY PUBLIC PROSECUTOR**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 12-03-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

APPENDIX

PETITIONERS' EXHIBITS

**ANNEXURE I : A CERTIFIED COPY OF THE FINAL REPORT AS C.C.2485/13 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.309 of 2015

Dated this the 12th March, 2015

O R D E R

The petitioners herein are the six accused in C.C.No.2485/2013 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 Zuhra, who is the 2nd respondent in this proceeding brought under Section 482 of the Code of Criminal Procedure. She has filed affidavit to the effect that she has settled the whole dispute with the accused and she 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.2485/2013 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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