

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 23RD DAY OF JANUARY 2015/3RD MAGHA, 1936

Crl.MC.No. 328 of 2015 ()

CRIME NO. 1143/2014 OF KUNNAMANGALAM POLICE STATION , KOZHIKODE

PETITIONER(S)/ACCUSED:

- 1. RAJITH KUMAR V.P AGED 34 YEARS
S/O.BALAN, VILAYAMPATTAMMALL HOUSE, MADAVOOR AMSOM
DESOM, MADAVOOR P.O., KOHIZKODE DISTRICT-673 585.**
- 2. SANKARAN MC. AGED 55 YEARS
S/O.ARIYAN, RESIDING -DO.**
- 3. GIRISH KUMAR V.P. AGED 36 YEARS
S/O.NARAYANAN, RESIDING AT -DO.**
- 4. SAGESH V.P. AGED 24 YEARS
S/O.SANKARAN, RESIDING AT -DO.**

BY ADV. SRI.T.G.RAJENDRAN

RESPONDENT(S):

- 1. SUB INSPECTOR OF POLICE
KUNNAMANGALAM POLICE STATION.673571.**
- 2. STATE OF KERALA
THIRUVANANTHAPURAM**
- 3. SIDDIQUE ALI M.M, AGED 36 YEARS
S/O.MUHAMMED, VELAYAMPATTAMMAL HOUSE, RAMPOYIL P.O.
MADAVOOR, KUNNAMANGALAM, KOZHIKODE.673 571**

**R3 BY ADV. SRI.CIBI THOMAS
R1 &R2 BY PUBLIC PROSECUTOR SMT.S.HYMA**

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 23-01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Imp

Crl.MC.No. 328 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE-I. TRUE COPY OF THE FIR IN CRIME NO.1143/2014.

ANNEXURE-II. TRUE COPY OF THE AFFIDAVIT FILED BY THE 3RD RESPONDENT

RESPONDENT(S)' EXHIBITS - NIL

//TRUE COPY//

P.A. TO JUDGE

Imp

P.UBAID, J.

Crl.M.C No.328 of 2015

Dated this the 23rd day of January, 2015

O R D E R

The petitioners herein are the accused in Crime No.1143 of 2014 of the Kunnamangalam Police Station. 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 341, 323, 324, 326, 506(ii) read with Section 34 IPC on the complaint of one Siddique Ali, who is the third 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.

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 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 FIR and further proceedings in Crime No.1143 of 2014 of Kunnamangalam Police Station will stand quashed under Section 482 of the Code of Criminal Procedure.

P.UBAID,JUDGE

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