

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 29TH DAY OF JANUARY 2015/9TH MAGHA, 1936

Crl.MC.No. 334 of 2015 ()

**IN CC 3662/2014 of JUDICIAL FIRST CLASS MAGISTRATE COURT, KASARAGOD
CRIME NO. 358/2014 OF VIDYA NAGAR POLICE STATION, KASARGOD**

PETITIONER(S)/ACCUSED:

**MUHAMMED MUSTHAFA AGED 26 YEARS
S/O.ABDUL KHADDAR, RESIDING AT CHETTUMKUZHI HOUSE
HIDAYATH NAGAR, MADHUR VILLAGE, KASARAGOD TALUK.**

BY ADV. SRI.T.B.SHAJIMON

RESPONDENT(S)/COMPLAINANT:

**1. M.A.MUNEER, AGED 32 YEARS
S/O.M.A AHAMMED, RESIDING AT MASTHIKUNDU
MULIYAR VILLAGE, KASARAGOD TALUK.**

**2. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682 031.**

**R1 BY ADV. SRI.LOHITHAKSHAN CHATHADI KANNOTH
R2 BY PUBLIC PROSECUTOR SMT. S. HYMA**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 29-01-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Crl.MC.No. 334 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE-AI. THE COPY OF THE FINAL REPORT

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

PA TO JUDGE

sab

P.UBAID, J.

Crl. M.C No. 334 of 2015

Dated this the 29th day of January, 2015.

O R D E R

The petitioner herein is the sole accused in C.C No. 3662/2014 of the Judicial First Class Magistrate Court-I, Kasaragod. 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, 294(b), 506(1) and 427 of IPC, on the complaint of one Muneer 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 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. 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.3662/2014 of the Judicial First Class Magistrate's Court-I, Kasaragod 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