

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 18TH DAY OF FEBRUARY 2015/29TH MAGHA, 1936

Crl.MC.No. 381 of 2015 ()

CRIME NO. 1642/2014 OF EZHUKONE POLICE STATION , KOLLAM

PETITIONER(S)/1ST ACCUSED:

**MUHAMMED NAHAS AGED 21 YEARS
S/O.MOHAMMED SHERIEF, KAVILA VALAPPIL HOUSE
ALAMCODE(PO), PONNANI, MALAPPURAM DISTRICT.**

BY ADV. SRI.JAMSHEED HAFIZ

RESPONDENT(S)/DEFACTO COMPLAINANTS:

- 1. THE STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM. PIN-682 031.**
- 2. JITHU
S/O.VIJAYAKUMAR, NO.478, VELLATHOUR HOUSE
CHIRAKKAL TANUR (PO), PIN-676 302
MALAPPURAM DISTRICT.**
- 3. SHARAT
S/O.HARIDAS, BHASURA, OZHINJA VALAPPU HOUSE
PUNJAVI(PO), PIN-671 121, KANZHANGAD MUNICIPALITY
KASARAGODE DISTRICT.**
- 4. SHARON
S/O.AGESTIN, THOTATHIL HOUSE, KODAKKAD (PO)
PIN-670 003, THALASSERY TALUK, KANNUR DISTRICT.**

**R2-R4 BY ADV. SRI.J.VIVEK GEORGE
R1 BY ADV. PUBLIC PROSECUTOR SMT. P. MAYA**

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 18-02-2015, ALONG
WITH CRMC. 707/2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Crl.MC.No. 381 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE A : COPY OF THE FIR 1642/14 OF EZHUKONE POLICE STATION, KOLLAM
DT.16-12-14.**

ANNEXURE B : COPY OF THE AFFIDAVIT FILED BY R2 DT.19-1-2015.

ANNEXURE C : COPY OF THE AFFIDAVIT FILED BY R3 DT.19-1-2015.

ANNEXURE D : COPY OF THE AFFIDAVIT FILED BY R4 DT.19-1-15.

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

PA TO JUDGE
sab

P.UBAID, J.

Crl. M.C No.381 of 2015

&

Crl. M.C No.707 of 2015

Dated this the 18th day of February, 2015.

O R D E R

The petitioner in Crl.M.C No. 381 of 2015 is the first accused in Crime No.1642 of 2014, and the petitioners in Crl.M.C No.707 of 2015 are the accused Nos. 2 to 5 in the said case. They seek orders quashing the F.I.R and further proceedings in Crime No.1642 of 2014 of the Ezhukone Police Station, registered under Sections 323, 384, 506 (1) r/w 34 of IPC and Section 4 of the Prohibition of Ragging Act. Orders are sought on the ground of amicable settlement of the whole dispute between the accused and the de facto complainant out of court. The defacto complainant and other victims in the alleged transaction are the respondents 2 to 4 in this proceeding. They have filed affidavit to the effect that they have settled the dispute with the accused, and they have 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; be it at the crime stage or at the trial stage or even at the appellate or revision stage; if the parties

have really settled the whole dispute, or if continuance of prosecution will not serve any purpose. Here, I find a real case of settlement between the parties, and I also find that continuance of prosecution in such a situation will not serve any purpose, other than wasting the precious time of the court, when the case ultimately comes before the court.

In the result, this petition is allowed. The F.I.R and further proceedings in crime No.1642 of 2014 of Ezhukone Police Station, Kollam will stand quashed under Section 482 of the Code of Criminal Procedure.

P.UBAID,
JUDGE