

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 21ST DAY OF JANUARY 2015/1ST MAGHA, 1936

Crl.MC.No. 396 of 2015 ()

**IN CC 699/2013 of JUDICIAL FIRST CLASS MAGISTRATE COURT, PATTAMBI
CRIME NO. 523/2011 OF PATTAMBI POLICE STATION , PALAKKAD**

PETITIONER(S):

1. MUHAMMED SHAFI P, AGED 25
S/O.MUHAMMED, PULIKKAL HOUSE, NELLAYA P.O
POTTACHIRA, PALAKKAD DT. 679 335.
2. MUHAMMED UNAIS K
S/O.MAMMIKUTTY, KOTTILYIL HOUSE, MULAYANKAV P.O
KULUKKALLUR, PALAKKAD DT. 679 337.
3. UBAIDULLA
S/O.MUHAMMED, VELOOR VALAPPIL HOUSE, THRIKANAPURAM P.O
KUTTIPURAM, MALAPPURAM DT. 679573.
4. FASIL
S/O.POKER, ORAVTHODY HOUSE, KUPPOTH
VILAYOOR WEST P.O, PATTAMBI, PALAKKAD 679 309.
5. SANDEEP
S/O.VELAYUDHAN, THONDITHODY HOUSE, DOCTORPADI
KALLADIPATTA P.O, ONGALLUR, PALAKKAD 679 513.
6. SREERAJ
S/O.SREEDHARAN, NECHIKKAD PARAMBIL HOUSE
UDINIKKARA P.O, EDAPPAL, MALAPPURAM DT. 67931.
7. DEEPAK CHAND P.C
S/O.CHANDRAN, THOTTUNGAL PANTHAKKAL HOUSE
PATTAMBI P.O, PATTAMBI, PALAKKAD 679 303.
8. ABHIJITH
S/O.RAVEENDRAN, VILLADATH HOUSE, CHELAKKARA P.O
VADAKKANACHERY, THRISSUR DT.
9. MUHAMMED RASHID KHAN,
S/O.ABDUL BASHEER, THOTTUNGAL PULIYAKKODE HOUSE
VILAYOOR WEST P.O, PATTAMBI, PALAKKAD DT. 679 309.

10. PRAKASHAN
S/O.UNNIKRISHNAN, PATTATHIL PARAMBIL HOUSE, PERADIYOOR
VILAYOOR P.O, PATTAMBI, PALAKKAD DT. 679 309.
11. SAJEESH
S/O.KANNAN, THANIKKARA PADINCHARETHIL HOUSE
KODUMUNDA P.O, MUTHUTHALA, PATTAMBI
PALAKKAD DISTRICT. 679 309.
12. MUHAMMED KUTTY
S/O.KUNCHALAVI, KOPPATH PARAMMEL HOUSE, PATTAMBI P.O
PATTAMBI, PALAKKAD 679 303.

BY ADV. SRI.T.PRASAD

RESPONDENT(S):

1. STATE OF KERALA
REPRESENTED BY THE SUB INSPECTOR OF POLICE
PATTAMBI POLICE STATION, PALAKKAD DISTRICT
THROUGH THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM.
2. YASIN
S/O.ABDURAHIMAN, PAZHATHE THODI HOUSE, MARUTHUR P.O
PATTAMBI, PALAKKAD DISTRICT. 679 306.
3. AHAMMED SHIHAB K.P
S/O.MUHAMMED ALI, KOPPATHPARAMMEL HOUSE
MELE PATTAMBI P.O, PATTAMBI
PALAKKAD DISTRICT. 679 306.
4. NAVAS
S/O.ALI, CHOONDATHODI HOUSE, AMAYOOR P.O
PATTAMBI, PALAKKAD DT. 679 303.
5. SALIH BIN HYDROSE
S/O.HYDROSE, CHUNKONATH HOUSE, MANGALUNGAL
KALLADIPATTTA P.O, PATTAMBI, PALAKKAD DT. 679 313.
6. MUHAMMED NOUFAL
S/O.SULAIMAN, KALAKANDATHIL HOUSE, AMAYOOR P.O
PATTAMBI, PALAKKAD DT. 679 303.

R2-6 BY ADV. SRI.A.HAROON RASHEED
R1 BY PUBLIC PROSECUTOR SMT. S. HYMA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 21-01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Crl.MC.No. 396 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE A1. COPY OF THE FIR AND FIS IN CRIME NO.523/11 OF PATTAMBI POLICE STATION.

ANNEXURE A2. COPY OF THE CHARGE SHEET/FINAL REPORT CC NO.699/13 ON THE FILE OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT, PATTAMBI.

ANNEXURE A3. COPY OF THE AFFIDAVIT REGARDING SETTLEMENT SIGNED BY THE 2ND RESPONDENT.

ANNEXURE A4. COPY OF THE AFFIDAVIT REGARDING SETTLEMENT SIGNED BY THE 3RD RESPONDENT.

ANNEXURE A5. COPY OF THE AFFIDAVIT REGARDING SETTLEMENT SIGNED BY THE 4TH RESPONDENT.

ANNEXURE A6. COPY OF THE AFFIDAVIT REGARDING SETTLEMENT SIGNED BY THE 5TH RESPONDENT.

ANNEXURE A7. COPY OF THE AFFIDAVIT REGARDING SETTLEMENT SIGNED BY THE 6TH RESPONDENT.

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

PA TO JUDGE
sab

P.UBAID, J.

Crl. M.C No.396 of 2015

Dated this the 21st day of January, 2015.

O R D E R

The petitioners herein are the accused No.1 to 12 in C.C No. 699/2013 of the Judicial First Class Magistrate Court, Pattambi. 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, 324, 326, 506(i) and r/w 149 IPC, on the complaint of one Yasin 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. The other persons who sustained injuries in the alleged incident are the respondents No. 3 to 6 in this proceeding. They have also filed affidavit to the effect that they have settled the whole dispute with the accused, and they have 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 petitioners herein in C.C No.699/2013 of the Judicial First Class Magistrate's Court, Pattambi 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.

P.UBAID,
JUDGE