

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. 398 of 2015 ()

**IN SC 435/2014 of D.C. & SESSIONS, KASARAGOD
IN SC 861/2014 of D.C. & SESSIONS & MACT,KASARAGOD
CRIME NO. 981/2010 OF HOSDURG POLICE STATION , KASARAGOD**

PETITIONER(S)/ACCUSED 1 TO 5:

- 1. SHABAB AGED 26 YEARS
S/O.ABDUL RAHIMAN, ITTAMMEL HOUSE, AJANUR VILLAGE
KASARAGOD.**
- 2. NOUSHAD P.M. AGED 28 YEARS
S/O.ABDUL KAREEM, AJANU KADAPPURAM, AJANUR VILLAGE
KASARAGOD.**
- 3. MOHAMMED ALI AGED 26 YEARS
S/O.MOIDU, ITTAMMEL HOUSE, AJANUR VILLAGE
KASARAGOD.**
- 4. AREEF AGED 27 YEARS
S/O.IBRAHIM, PALLIPPUZHA, PALLIKKARA VILLAGE
NOW RESIDING AT KHADEEJA QUARTERS, MANIKKOTH
KASARAGOD.**
- 5. HARSHAD.P AGED 29 YEARS
S/O.ABDUL RAHIMAN, PALLIPPUZHA, PALLIKKARA VILLAGE
KASARGOD.**

**BY ADVS.SRI.RAHUL SASI
SMT.NEETHU PREM**

RESPONDENT(S)/COMPLAINANT:

- 1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM, PIN 682031.**
- 2. SUB INSPECTOR OF POLICE
HOSDURG POLICE STATION, KASARAGOD, PIN 67131.**
- 3. THAFREEF, AGED 20 YEARS
S/O.ABDUL KHADER, R/AT THANVEER MANZIL
NEAR IQBAL HIGHER SECONDARY SCHOOL, ITTAMMAL
KOLAVAYAL, AJANUR VILLAGE, KASARAGOD
PIN 671321.**

R 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:

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE-1: A CERTIFIED COPY OF FIR IN CRIME NO.981/2010 OF HOSDURG POLICE STATION.

ANNEXURE-2: A CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO.981/2010 OF HOSDURG POLICE STATION.

ANNEXURE-3: A NOTARISED AFFIDAVIT SUBMITTED BY THE 3RD RESPONDENT DATED 07.01.2015.

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

PA TO JUDGE
sab

P.UBAID, J.

Crl. M.C No. 398 of 2015

Dated this the 21st day of January, 2015.

O R D E R

The petitioners herein are the accused No.1 to 5 in Crime No. 981/2010 of Hosdurg Police Station, Kasaragod, now pending as S.C No.435/2014 and S.C No. 861/2014 before the District and Sessions Court, Kasaragod. They seek orders quashing the prosecution on the ground of amicable settlement of the whole dispute between them and the de facto complainant. The case was committed to the Court of Session for the reason that the de facto complainant who sustained injuries was a juvenile on the date of the alleged incident. Now he is aged 20 years. Crime in this case was registered under Sections 143, 147, 148, 341, 323, 324 r/w 149 of IPC, on the complaint of one Thafreef 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.

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 S.C 435/2014 and S.C 861/2014 before the District and Sessions Court's 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