

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. 401 of 2015 ()

**IN CC 499/2012 of JUDICIAL MAGISTRATE OF FIRST CLASS-I, MANJERI
CRIME NO. 173/2012 OF KARUVARAKUNDU POLICE STATION, MALAPPURAM**

PETITIONER(S)/ACCUSED:

**MUJEEB AGED 34 YEARS
S/O.ALAVI, KUNDUKAVIL HOUSE, KARUVARAKUNDU POST
KAMBIN KUNNU, MALAPPURAM DISTRICT.**

BY ADV. SRI.T.PRASAD

RESPONDENT(S)/COMPLAINANT & STATE:

- 1. THE STATION HOUSE OFFICER
KARUVARAKUNDU POLICE STATION
MALAPPURAM DISTRICT THROUGH THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. RAMEEZ SHANSAD, AGED 22 YEARS
S/O.MUHAMMED, VALLAKATH HOUSE, KARUVARAKUNDU POST
KAMBIN KUNNU, MALAPPURAM DISTRICT, PIN 676523.**
- 3. JAMSHEER, AGED 20 YEARS
S/O.ABDUL LATHEEF, KUNNUMMAL HOUSE, KARUVARAKUNDU POST
KAMBIN KUNNU, MALAPPURAM DISTRICT, PIN 676523.**

**R2,R3 BY ADV. SRI.A.HAROON RASHEED
R1 BY PUBLIC PROSECUTOR SMT. P. MAYA**

**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. 401 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE-A1: THE TRUE COPY OF THE FIR IN CRIME NO.173/2012 OF KARUVARAKUNDU POLICE STATION, MALAPPURAM.

ANNEXURE-A2: THE TRUE COPY OF THE FINAL REPORT IN CRIME NO.173/2012 OF KARUVARAKUNDU POLICE STATION, MALAPPURAM.

ANNEXURE-A3: THE TRUE COPY OF THE AFFIDAVIT FILED BY THE 2ND RESPONDENT DATED 18/12/2014.

ANNEXURE-A4: THE TRUE COPY OF THE AFFIDAVIT FILED BY THE 3RD RESPONDENT DATED 05/01/2015.

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

PA TO JUDGE
sab

P.UBAID, J.

Crl. M.C No. 401 of 2015

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Crl. M.C No. 409 of 2015

Dated this the 21st day of January, 2015.

O R D E R

Two cases, as case and counter, were registered by the Karuvarakundu Police, in connection with an incident of assault involving two groups of persons. The said incident happened in connection with some personal dispute. Crime No. 173/2012 was registered under Sections 341, 323, 324 and 326 of IPC, on the complaint of one Rameez Shansad that one Mujeeb assaulted him and his friend Jamsheer, and inflicted injuries on their body with weapons. The petitioner in Crl.M.C 401/2015 is the accused in the said crime. Rameez Shansad and Jamsheer are the respondents 2 and 3 in Crl.M.C 401/2015. As a counter case Crime No.174/2012 was registered under Sections 143, 147, 148, 451, 341, 323, 324 r/w 149 of IPC, on the complaint of one Mujeeb, who is the accused in the other case. The petitioners in Crl.M.C 409/2015 are the 3 accused in the said crime, and Mujeeb is the second respondent in Crl.M.C 409/2015. Now the two prosecutions are sought to be

quashed on the ground of amicable settlement made by the parties out of court. The case in Crime No. 173/2012 is now pending before the learned Judicial first Class Magistrate I, Manjeri as C.C No.499/2012, and the counter case in Crime No.174/2012 is pending before the same court as C.C No.523/2012. The injured persons have filed affidavit to the effect that the whole dispute now stands settled amicably, and that they have no grievance or complaint now. I find that there is a real and genuine settlement between the parties, and that continuance of prosecution will cause harm and hardship to both the parties. The whole dispute stands resolved forever on the intervention of persons acceptable to both sides. I am well satisfied that the parties are on quite cordial terms now. In such a situation continuance of the prosecution will not serve any purpose, other than wasting the precious time of the court, because nobody will support the prosecution, if the cases go to trial.

In the result, the two petitions are allowed. The prosecution in C.C No.499/2012 of the Judicial First Class Magistrate Court- I, Manjeri against the petitioner in Crl.M.C

Crl. M.C No. 401 of 2015
&
Crl. M.C No. 409 of 2015

3

401/2015, and also the prosecution in C.C No.523/2012 of the same court against the petitioners in Crl.M.C 409/2015 will stand quashed under Section 482 Cr.P.C. Accordingly, the two sets of accused will stand released from prosecution, and the bail bond, if any, executed by them will stand discharged.

P.UBAID,
JUDGE

sab