

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 22ND DAY OF JANUARY 2015/2ND MAGHA, 1936

Cri.MC.No. 424 of 2015

**CC 1584/2012 of JUDICIAL FIRST CLASS MAGISTRATE COURT, VADAKARA
CRIME NO. 714/2012 OF VATAGARA POLICE STATION , KOZHIKODE**

PETITIONER(S)/ACCUSED NO. 1 TO 5.:

- 1. RAUF, AGED 25 YEARS, S/O.MOOSSA HAJI, R.S.MANZIL HOUSE,
MANTHARATHOOR P.O., VATAKARA THALUK.**
- 2. THAZHE PUNNOLI SHAFEER, AGED 23 YEARS
S/O.KUNHAMMAD, THAZHE PUNNOLI H.O., MANTHARATHOOR P.O.
VATAKARA THALUK.**
- 3. FIROZ, AGED 24 YEARS, S/O.IBRAI, THIYYARKANDY CHALIL,
H.O.MANTHARATHOOR P.O., VATAKARA THALUK.**
- 4. MUHAMMAD SALIH, AGED 22 YEARS,
S/O.ABDULLA, ASARIKANDY H.O., CHERANDATHUR P.O.
VATAKARA THALUK.**
- 5. THAZHE CHERIYANDI SHAKKEER, AGED 23 YEARS
S/O.IBRAYI, THAZHE CHERIYANDI HOUSE
MANTHARATHOOR P.O., VATAKARA THALUK.**

**BY ADVS.SRI.ZUBAIR PULIKKOOL
SRI.P.S.BINU**

RESPONDENT(S)/COMPLAINANT:

- 1. JANOOP, AGED 25 YEARS
S/O.RAJAN, NIRATHINTE MEETHAL HOUSE
MANTHARATHOOR P.O., MANIYOOR, VATAKARA THALUK
KOZHIKODE DISTRICT, PIN 673101.**
- 2. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM, PIN 682031.**

**R1 BY ADVS. SMT.P.A.ANEESHA
SMT.SUMA A.GAFOOR
R2 BY PUBLIC PROSECUTOR SMT.S.HYMA**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 22-01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

APPENDIX

PETITIONER(S)' ANNEXURES

**ANNEXURE-I: CERTIFIED COPY OF F.I.R AND POLICE CHARGE IN CRIME NO.714/12
OF VATAKARA POLICE.**

ANNEXURE-II: ORIGINAL COPY OF SWORN AFFIDAVIT OF FIRST RESPONDENT.

RESPONDENT(S)' ANNEXURES

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

P.UBAID, J.
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**Crl.M.C No.424 of 2015**  
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Dated this the 22nd January, 2015

ORDER

The petitioners are the five accused in C.C No.1584 of 2012 of the Judicial First Class Magistrate's Vatakara. 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, 341, 323, 324 read with Section 149 of Indian Penal Code, on the complaint of one Janoop, who is the 1st 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

prosecution 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. The parties have come to terms amicably on the intervention of persons acceptable to both sides, and I am satisfied that the parties are now on quite cordial terms. 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.1584 of 2012 of the Judicial First Class Magistrate's Court, Vatakara 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.

**Sd/-
P.UBAID
JUDGE**

ma

/True copy/

P.S to Judge