

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 10TH DAY OF FEBRUARY 2015/21ST MAGHA, 1936

Cr1.MC.No. 430 of 2015 ()

CC 295/2010 of JUDICIAL FIRST CLASS MAGISTRATE COURT, KASARAGOD
CRIME NO. 39/2010 OF MANJESWAR POLICE STATION , KASARAGOD

PETITIONERS/ACCUSED:

1. P.U.HANEEF, AGED 24 YEARS
S/O.USMAN, PERUVADI HOUSE, BAMAR VILLAGE
KASARAGOD.

2. P.MOHAMMED FAROOK @ AZEEZ AGED 22 YEARS
S/O.ABOOBACKER, PERUVADI HOUSE, BAMAR VILLAGE
KASARAGOD.

BY ADVS.SRI.T.G.RAJENDRAN
SMT.ANN SUSAN GEORGE

RESPONDENTS/DEFACTO COMPLAINANT/STATE:

1. PRASANTHA P., AGED 29 YEARS
S/O.RAMESHA B.R., BADIYAR HOUSE, MULIGADDE
BAYAR VILLAGE, CHIPPAR P.O., MANJESHWAR TALUK
KASARAGOD-671322.

2. SUB INSPECTOR OF POLICE
MANJESHWAR POLICE STATION, KASARAGOD-671121.

3. STATE OF KERALA
REP.BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM, 682031.

R1 BY ADV. SRI.CIBI THOMAS
PUBLIC PROSECUTOR SMT.S. HYMA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
10-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Cr1.MC.No. 430 of 2015 ()

APPENDIX

PETITIONERS' ANNEXURES:

ANNEXURE-I: TRUE COPY OF THE FINAL REPORT IN CC 295/10 OF JUDICIAL
1ST CLASS MAGISTRATE COURT, KASARAGOD.

ANNEXURE-II: TRUE COPY OF THE AFFIDAVIT FILED BY THE 1ST RESPONDENT
DATED 3.12.14.

RESPONDENT(S) ' ANNEXURES: NIL

//TRUE COPY//

P.A. TO JUDGE

smv

P. UBAID,J.

Crl.M.C No.430 of 2015

Dated this the 10th day of February, 2015

O R D E R

The petitioners herein are the accused Nos.2 and 3 in C.C. No.295/2010 of the Judicial First Class Magistrate Court - I, Kasaragod. They seek orders under Section 482 Cr.P.C. quashing the prosecution on the ground of amicable settlement of the whole dispute between them and the de-facto complainant. The first respondent herein is the de-facto complainant. The crime was registered under Sections 341, 323 and 324 IPC. The first respondent has filed affidavit to the effect that he has settled the whole dispute between the accused Nos.2 and 3 and he has no grievance or complaint against them. It is reported that the first accused is involved in other crimes also. In the nature of the allegations in the final report, I find that orders quashing the prosecution against the accused Nos. 2 and 3 will not materially affect the prosecution and allegations against the first accused. The final report and the F.I.R. shows that the major offence under Section 324 IPC was in fact committed by the first accused. When the prosecution proceeds against the

first accused under Section 324 IPC, it will not be affected by the orders quashing the prosecution as against the other accused, whose complicity at the most comes only under Sections 341 and 343 IPC. I find that there is a real and genuine settlement between the de-facto complainant and the petitioners. They seek orders under Section 482 Cr.P.C. because composition as such is not possible.

In the result this Crl.M.C is allowed. The prosecution against the petitioners herein as accused Nos.2 and 3 in C.C. No.295/2010 of the Judicial First Class Magistrate Court - I, Kasaragod will stand quashed under Section 482 Cr.P.C. Accordingly the petitioners will stand released from such prosecution, which will continue against the first accused, and the bail bond, if any, executed by the petitioners will stand discharged.

Sd/-
P. UBAID, JUDGE

//true copy//

P.A. To Judge

smv