

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

Crl.MC.No. 456 of 2015 ()

**IN CC 61/2014 of JUDICIAL FIRST CLASS MAGISTRATE .-II,HOSDURG
CRIME NO. 883/2013 OF BEKAL POLICE STATION , KASARGOD**

PETITIONER(S)/ACCUSED 1 TO 4:

- 1. NAZIMUDHEEN AGED 21 YEARS
S/O.MOHAMMED SHAFI, SADHI COTTAGE, KAPPIL
PALLIKKARA II VILLAGE, KASARAGOD.**
- 2. RAMEEZ T.A AGED 23 YEARS
S/O.ABDUL RAHIMAN, A.K.HOUSE, KOTTIKKULAM
PALLIKKARA II VILLAGE, KASARAGOD.**
- 3. MOHAMMED SADIQUE AGED 21 YEARS
S/O.ABDUL RAHIMAN, K.M.HOUSE, PALAKKUNNU
PALLIKKARA II VILLAGE, KASARAGOD.**
- 4. MUSAFIR MISFIR AGED 22 YEARS
S/O.MOHAMMED KUNHI, KHUDAL HOUSE, J.M.ROAD
KOTTIKKULAM, PALLIKKARA II VILLAGE, KASARAGOD.**

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

RESPONDENT(S)/COMPLAINANTS:

- 1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM. PIN-682 031.**
- 2. SUB INSPECTOR OF POLICE
BEKAL POLICE STATION, KASARAGOD. PIN-671 321.**
- 3. ABDUL KHADER K.A, AGED 42 YEARS
S/O.ABDUL RAHIMAN, R/AT RAHYANA MANZIL, EROL
BARA VILLAGE, KASARAGOD. PIN-671 320.**

**R3 BY ADV. SRI.NIRMAL V NAIR
R1-2 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:**

Crl.MC.No. 456 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE 1- A CERTIFIED COPY OF THE FIR IN CRIME NO.883/2013 OF BEKAL POLICE STATION.

ANNEXURE 2- A CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO.883/2013 OF BEKAL POLICE STATION.

ANNEXURE 3- A NOTARISED AFFIDAVIT SUBMITTED BY THE 3RD RESPONDENT DATED 15.01.2015.

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

PATO JUDGE
sab

P.UBAID, J.

Crl. M.C No.456 of 2015

Dated this the 28th day of January, 2015.

O R D E R

The petitioners herein are the accused in C.C No. 61/2014 of the Judicial First Class Magistrate Court-II, Hosdurg. 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 341, 324, 448, 506(i) r/w 34 of IPC, on the complaint of one Abdul Khader 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. 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.61/2014 of the Judicial First Class Magistrate's Court II, Hosdurg, Kasaragod 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