

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 23RD DAY OF JANUARY 2015/3RD MAGHA, 1936

Cr1.MC.No. 477 of 2015

IN CC 469/2014 OF THE CHIEF JUDICIAL MAGISTRATE COURT, KASARAGOD

CRIME NO. 428/2013 OF MANJESWAR POLICE STATION , KASARGOD

PETITIONERS/ACCUSED 1 TO 6:

1. ABOOBACKER SIDDIQUE, AGED 27 YEARS,
S/O.MUHAMMED, KUNDUPINI HOUSE, UPPALA, MULINJE,
MANGALPPADY, KASARGOD
2. FAISAL @ MUHAMMED ISMAIL, S/O ABDUL SATHAR,
AGED 27 YEARS,
RAFEEQUE MANZIL, KODIBAYAL, MANGALPPADY, KASARGOD.
3. SAID NASEEM, S/O ADBUL AZEEZ, AGED 23 YEARS,
MANNAMKUZHI HOUSE, KODIBAYAL, MANGALPPADY, KASARGOD.
4. AMMER ALI, S/O ISMAIL, AGED 27 YEARS,
KUNDUPINI HOUSE, UPPALA , MULINJE,
MANGALPPADY, KASARGOD
5. ABDUL JABBAR, S/O SAIDALI, AGED 28 YEARS,
RAHMATH MANZIL, KODIBAYAL, MANGALPPADY,
KASARGOD.
6. MUHAMMED HANEEF, AGED 26 YEARS,
S/O SHEKH AHAMMED, KADARIYA MANZIL, KODIBAYAL,
MANGALPPADY, KASARGOD.

BY ADVS.SRI.T.G.RAJENDRAN

SMT.ANN SUSAN GEORGE

RESPONDENTS/COMPLAINANT/STATE:

1. IBRAHIM K., AGED 42 YEARS,
ANDUKUA, MUNEER MANZIL, KUNJATHOOR VILLAGE,
MANJESHWAR, KASARGOD - 671 323
2. THE SUB INBSPECTOR OF POLICE,
MANJESHWAR POLICE STATION, KASARGOD-671 323
3. STATE OF KERALA REP: BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM - 682031

R1 BY ADV. SRI.CIBI THOMAS

R2 & R3 BY PUBLIC PROSECUTOR SMT.S.HYMA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 23-01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Cr1.MC.No. 477 of 2015

APPENDIX

PETITIONERS' ANNEXURES:

ANNEXURE 1: COPY OF THE FINAL REPORT IN CC 469/14

ANNEXURE II: COPY OF THE AFFIDAVIT OF THE 1ST RESPONDENT

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.477 of 2015

Dated this the 23rd day of January, 2015

O R D E R

The petitioners herein are the six accused in C.C No.469/2014 of the Judicial First Class Magistrate 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. Crime in this case was registered under Sections 143, 147, 148, 341, 323, 324 and 427 r/w 149 of the Indian Penal Code on the complaint of one Ibrahim, 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.469/2014 of the Judicial First Class Magistrate's Court, 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**

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