

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. 482 of 2015

IN C.C 1031/2014 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT-I,
HOSDRUG

CRIME NO. 1011/2013 OF HOSDURG POLICE STATION, KASARGOD

PETITIONERS/ACCUSED:

1. ARIF T.P, AGED 24 YEARS,
S/O.T.P.MUHAMMED, T.P.HOUSE, KARUVALAM,
PADANNAKKAD, KANHANGAD VILLAGE, KASARAGOD DISTRICT.
2. SHAMSHEER T.P, AGED 22 YEARS,
S/O.T.P.MUHAMMED, T.P.HOUSE (NAFEESATH MANZIL),
KARUVALAM, PADANNAKKAD, KANHANGAD VILLAGE
KASARAGOD DISTRICT.
3. FAZIL N.K, AGED 19 YEARS,
S/O.ABOOBACKAR, N.K.HOUSE, NEAR ANGANVADI,
KANHANGAD VILLAGE, KASARAGOD DISTRICT.

BY ADV. SRI.K.P.HARISH

RESPONDENTS/STATE OF KERALA &
DEFACTO COMPLAINANT(INJURED CWS1):

1. STATE OF KERALA
THROUGH STATION HOUSE OFFICER,
HOSDURG POLICE STATION (CRIME NO. 1011/2013)
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM - 682 031.
2. ABDUL MANAF.K, AGED 24 YEARS,
S/O.KAREEM V, KALLAYI HOUSE, MARAKKAPU KADAPPURAM P.O,
OZHINHAVALAPPU, KANHANGAD VILLAGE,
HOSDURG TALUK AND KASARAGOD DISTRICT, PIN - 671 315.

R2 BY ADV. SRI.LIJIN JOSEPH

R1 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. 482 of 2015

APPENDIX

PETITIONERS' ANNEXURES:

ANNEXURE 1: COPY OF THE FIR & F1 STATEMENT DATED 20/08/2013 IN
CRIME NO. 1011/2013 OF HOSDURG POLICE STATION.

ANNEXURE 2: COPY OF THE FINAL REPORT DATED 30/11/2013 IN CRIME
NO. 1011/2013 AS NUMBERED AS C.C.NO. 1031 OF 2014 ON THE FILE OF
JUDICIAL FIRST CLASS MAGISTRATE COURT-I, HOSDURG.

ANNEXURE 3: COPY OF THE AFFIDAVIT DATED 17/01/2015 SIGNED BEFORE
AN ADVOCATE NOTARY BY THE 2ND RESPONDENT/DEFACTO COMPLAINANT.

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.482 of 2015

Dated this the 23rd day of January, 2015

O R D E R

The petitioners herein are the three accused in C.C No.1031/2014 of the Judicial First Class Magistrate Court I, 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 143, 147, 148, 506(ii), 341, 323 and 324 r/w 149 of the Indian Penal Code on the complaint of one Abdul Manaf who is the 2nd 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.1031/2014 of the Judicial First Class Magistrate Court I, Hosdurg 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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