

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 4TH DAY OF FEBRUARY 2015/15TH MAGHA, 1936

Crl.MC.No. 547 of 2015 ()

**CC.NO. 2381/2013 OF JUDICIAL FIRST CLASS MAGISTRATE COURT -I,HOSDURG
CRIME NO. 370/2013 OF CHANDERA POLICE STATION , KASARGOD DISTRICT**

PETITIONER(S)/ACCUSED :

1. ADHIL.P.V., AGED 23 YEARS,
S/O.ABDUL SATHAR, P.P HOUSE, CHOWERI,
NORTH TRIKARIPUR.
2. RIYAS,AGED 23 YEARS,S/O.LATE MUHAMMED,
PORAPPAD, SOUTH TRIKARIPUR.
3. SIRAJ.K.P., AGED 22 YEARS,
S/O.MUHAMMED, RAHNA MANZIL, VALVAKKAD,
SOUTH TRIKARIPUR.
4. RASHID K.,AGED 20 YEARS,
S/O.ASHRAF, KURIYACH HOUSE, VALVAKKAD,
SOUTH TRIKARIPUR.
5. SUFIYAN.M.P.,AGED 22 YEARS,
S/O.SULAIMAN, M.P.HOUSE, VALVAKKAD,
SOUTH TRIKARIPUR.

BY ADV. SRI.P.K.SUBHASH

RESPONDENT(S)/STATE/COMPLAINANT :

1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031
2. ABDUL KHADER.A.G., AGED 25 YEARS,
S/O.MUHAMMED, M.V.HOUSE, KANCHIYIL, ELAMBACHI,
SOUTH TRIKARIPUR VILLAGE, HOSDURG TALUK,
KASARAGOD DISTRICT.

**R1 BY PUBLIC PROSECUTOR SMT. P.MAYA
R2 BY ADV. SRI.A.ARUNKUMAR**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 04-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

sts

Crl.MC.No. 547 of 2015 ()

APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEX AI: A TRUE COPY OF THE FIR IN CRIME NO.370 OF 2013 OF CHANDERA
POLICE STATION, KASARAGOD DISTRICT**

**ANNEX AII: A TRUE COPY OF THE FINAL REPORT IN CRIME NO. 370 OF 2013 OF
CHANDERA POLICE STATION, KASARAGOD DISTRICT**

**ANNEX AIII: A TRUE COPY FO THE AFFIDAVIT SWORN TO THE 2ND RESPONDENT
ENDORISING THE FACTUM OF SETTLEMENT.**

RESPONDENT(S)' ANNEXURES: NIL

/TRUE COPY/

P.A.TO.JUDGE

sts

P. UBAID, J.

Crl.M.C.No.547 of 2015

Dated this the 4th day of February, 2015

O R D E R

The petitioners herein are the accused in C.C. No.2381/2013 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, 341, 323, 324 and 325 IPC read with 149 IPC on the complaint of one Abdul Khader, 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 as against the petitioners herein in C.C. No.2381/2013 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.

Sd/-

P. UBAID, JUDGE

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