

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 30TH DAY OF JANUARY 2015/10TH MAGHA, 1936

Crl.MC.No. 595 of 2015

IN SC 237/2014 OF THE 1ST ADDITIONAL ASSISTANT SESSIONS COURT,
KOZHIKODE

PETITIONER/ACCUSED NO.3:

SAFEER M.M, AGED 21 YEARS,
S/O. AMMAD, MANNAN KANDI MEETHAL HOUSE, AVALA P.O.
KOZHIKODE DISTRICT.

BY ADVS.SRI.K.ABDUL JAWAD
SRI.MATHEW A KUZHALANADAN
SMT.VINEETHA V.KUMAR

RESPONDENTS/STATE & COMPLAINANT :

1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.
2. SREERAG, AGED 19 YEARS,
S/O. RAGHAVAN, THATTANKANDI HOUSE, KAKKARAMUKKU,
CHERUVANNUR P.O., KOYILANDY
KOZHIKODE DISTRICT-673 020.

R2 BY ADV. SRI.A.V.ANVAR
R2 BY ADV. SRI.S.MOHAMMED AL RAFI
R1 BY PUBLIC PROSECUTOR SMT.P.MAYA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 30-01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Cr1.MC.No. 595 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE A : CERTIFIED COPY OF FINAL REPORT IN SC 237/14.

ANNEXURE B : ORIGINAL OF THE AFFIDAVIT DTD.20.11.2014 SWORN BY
2ND RESPONDENT.

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.595 of 2015

Dated this the 30th day of January, 2015

O R D E R

The petitioner herein is the original 3rd accused in Crime No.213/2012 of the Meppayoor Police Station. Of the five accused in the crime the other four were juveniles on the date of incident. The final report against them was submitted by the police before the Juvenile Justice Board. It is submitted that the juveniles stand already acquitted by the Juvenile Justice Board in view of a compromise report during the trial process. The case of the petitioner herein is pending as S.C No.237/2014 before the 1st Additional Assistant Sessions Court, Kozhikode. The offence involved in the crime are under Sections 143, 147, 148, 323, 324 and 308 r/w 149 of the Indian Penal Code. The petitioner now seeks orders under Section 482 of the Code of Criminal Procedure quashing the prosecution on the ground of amicable settlement. The 2nd respondent herein is the defacto complainant, who sustained injuries in the alleged incident. 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. It is submitted that the alleged incident infact happened in connection with some dispute between two student groups. On a perusal of the final report, I find that Section 308 of IPC was in fact incorporated by the police on the basis of a purely hypothetical statement. Anyway, I am satisfied that the parties have really come to terms, and they are on quite cordial terms. In such a situation, continuance of prosecution will be a sheer waste of time. 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 petitioner herein in S.C No.237/2014 of the 1st Additional Assistant Sessions Court, Kozhikode will stand quashed under Section 482 of the Code of Criminal Procedure. Accordingly, the petitioner will stand released from prosecution, and the bail bond, if any, executed by him will stand discharged.

**P.UBAID
JUDGE**

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