

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

MONDAY, THE 2ND DAY OF FEBRUARY 2015/13TH MAGHA, 1936

Crl.MC.No. 630 of 2015 ()

**IN CC 975/2013 of JUDICIAL FIRST CLASS MAGISTRATE COURT-I,HOSDRUG
CRIME NO. 593/2012 OF CHANDERA POLICE STATION , KASARGOD**

PETITIONER(S)/ACCUSED 1-3:

- 1. SHAFI A AGED 34 YEARS
S/O.EBRAHIM, RESIDING AT ANCHILLATH HOUSE, MUNDIYA
NADAKKAVU, TRIKKARIPUR VILLAGE, HOSDURG TALUK
KASARAGOD DISTRICT.**
- 2. ANEES A.
S/O.ABOOBACKER, RESIDING AT ANCHILLATH HOUSE, MUNDIYA
NADAKKAVU, TRIKARIPUR VILLAGE, HOSDURG TALUK
KASARAGOD DISTRICT.**
- 3. NISHAD A. AGED 22 YEARS
S/O.ABDUL KHADER, RESIDING AT ANCHILLATH HOUSE
MUNDIYA, NADAKAVU, TRIKARIPUR VILLAGE
HOSDURG TALUK, KASARAGOD DISTRICT.**

**BY ADV. SRI.T.MADHU
SMT. BINDUMOL JOSEPH**

RESPONDENT(S)/STATE:

- 1. ABOOBACKER K., AGED 22 YEARS
S/O.ABDUL RAHIMAN, RESIDING AT FATHIMA MANZIL
PEKKADAM, NORTH TRIKARIPUR VILLAGE, HOSDURG TALUK
KASARAGOD DISTRICT-671310.**
- 2. THE STATE OF KERALA
THROUGH THE STATION HOUSE OFFICER
CHANDERA POLICE STATION
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682031.**

**R1 BY ADV. SMT.BINDUMOL JOSEPH
R2 BY PUBLIC PROSECUTOR SMT. S. HYMA**

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

Crl.MC.No. 630 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE 1: TRUE COPY OF THE FIR IN CR.593/12 OF CHANDERA POLICE STATION.

ANNEXURE 2: TRUE COPY OF THE FINAL REPORT IN CR.593/12 OF CHANDERA POLICE STATION.

ANNEXURE 3: THE AFFIDAVIT DT.28-1-15 SWORN IN BY R1.

ANNEXURE 4: TRUE COPY OF THE MEMO OF EVIDENCE IN CR 593/12 OF CHANDERA POLICE STATION.

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

PATO JUDGE
sab

P.UBAID, J.

Crl. M.C No. 630 of 2015

Dated this the 2nd day of February, 2015.

O R D E R

The petitioners herein are the accused No.1 to 3 in C.C No.975/2013 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 341, 323, 324 r/w 34 of IPC, on the complaint of one Aboobacker who is the first 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. 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.975/2013 of the Judicial First Class Magistrate's 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