

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. 649 of 2015 ()

CRIME NO. 543/2011 OF MALAPPURAM POLICE STATION , MALAPPURAM

PETITIONER(S)/ACCUSED:

SHAMEEM
S/O.ALI, VETTUKATTIL HOUSE, MUNDUPARAMBU
MALAPPURAM DISTRICT.

BY ADVS.SRI.BABU S. NAIR
SRI.R.RANJITH (K/489/2011)

RESPONDENT(S)/STATE & DEFACTO COMPLAINANT:

1. THE STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM
KOCHI-31 - FOR THE SUB INSPECTOR OF POLICE
MALAPPURAM POLICE STATION, MALAPPURAM DISTRICT.

2. SALEEM P
S/O.ALAVI, PATHARI HOUSE, MELMURI AMSOM
DESOM, ERNAD TALUK, MALAPPURAM DISTRICT
PIN-676 121.

R2 BY ADV. SMT.M.LISHA
R1 BY PUBLIC PROSECUTOR SMT.P.MAYA

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. 649 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE A- TRUE COPY OF THE CHARGE IN CRIME NO.543/2011 OF THE
MALAPPURAM POLICE STATION.

ANNEXURE B- TRUE COPY OF THE AFFIDAVIT DATED, 17.1.2015 SWORN TO BY
THE 2ND RESPONDENT.

RESPONDENT(S)' EXHIBITS

/TRUE COPY/

P.S TO JUDGE

P.UBAID, J.
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**Crl.M.C No.649 of 2015**  
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Dated this the 2nd February, 2015

ORDER

The petitioner herein is the accused in L.P.No.183 of 2014 in C.C No.1387 of 2011 of the Judicial First Class Magistrate's Court-, Malappuram. He seeks orders quashing the prosecution on the ground of amicable settlement of the whole dispute between him and the de facto complainant. Crime in this case was registered under Sections 323 and 324 of Indian Penal Code on the complaint of one Saleem, 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 petitioner herein in L.P.No.183 of 2014 in C.C No.1387 of 2014 of the Judicial First Class Magistrate's Court, Malappuram will stand quashed under Section 482 of the Code of Criminal Procedure. Accordingly, the petitioner will stand released from prosecution.

**Sd/-
P.UBAID
JUDGE**

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/True copy/

P.S to Judge