

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE P.UBAID**

**TUESDAY, THE 3RD DAY OF FEBRUARY 2015/14TH MAGHA, 1936**

**CrI.MC.No. 668 of 2015 ()**

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CC. NO.912/2012 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-I,  
THAMARASSERY.**

**CR. NO. 324/2012 OF KODUVALLY POLICE STATION.**

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**PETITIONERS/ACCUSED 1 TO 4:**

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- 1. SHARAFUDHEEN @ PALA,  
S/O. MUHAMMED, PAROTHODUKAYIL HOUSE,  
MADRASSA BAZAR, KODUVALLY, KOZHIKODE.**
- 2. UNAIS @ ITTA, S/O. USSAIN,  
AGED 24 YEARS, OTTAPOKKUVAYALIL HOUSE,  
MADRASS BAZAR, KODUVALLY, KOZHIKODE.**
- 3. SIDEEQUE @ KOOPPI, S/O. HUSWSAIN,  
AGED 22 YEARS, CHUNDAPPURATH HOUSE,  
MADRASS BAZAR, KODUVALLY, KOZHIKODE.**
- 4. ABDUL KABEER, AGED 23 YEARS,  
THEKKE POYIL HOUSE, MADRASS BAZAR,  
KODUVALLEY, KOZHIKODE.**

**BY ADV. SRI.UNNIKRISHNAN.V.ALAPATT.**

**RESPONDENTS/COMPLAINANT AND STATE:**

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- 1. SATHAR. O.K., S/O. UMMERHAJI,  
AGED 44 YEARS, OTTAKANDATHIL HOUSE,  
MADRASSA BAZAR, KODUVALLY, KOZHIKODE - 673 002.**
- 2. SUB INSPECTOR OF POLICE,  
KODUVALLY POLICE STATION, PIN - 673 002.**
- 3. STATE OF KERALA,  
REP. BY PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**

**R1 BY ADV. SRI.CIBI THOMAS.**

**R2 & R3 BY PUBLIC PROSECUTOR SMT.S. HYMA.**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION  
ON 03-02-2015, THE COURT ON THE SAME DAY PASSED THE  
FOLLOWING:**

**rs.**

**APPENDIX**

**PETITIONER'S ANNEXURES:-**

- ANNEXURE I - TRUE COPY OF THE FIRST INFORMATION STATEMENT IN CC NO. 912/2012.**
- ANNEXURE II - TRUE COPY OF THE FIRST INFORMATION REPORT IN CR. NO.321/2014 OF KODUVALLY POLICE STATION.**
- ANNEXURE III - TRUE OF THE STATEMENT OF THE WITNESSES IN CC.912/2012.**
- ANNEXURE IV - TRUE COPY OF THE FINAL REPORT IN CC.912/2012 OF KODUVALLY POLICE STATION.**
- ANNEXURE V - TRUE COPY OF THE AFFIDAVIT SWORN IN BY THE 1ST RESPONDENT.**

**RESPONDENT'S ANNEXURES:- NIL.**

**//TRUE COPY//**

**P.A TO JUDGE**

**rs.**

**P.UBAID, J.**

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**Crl. M.C No. 668 of 2015**  
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Dated this the 3<sup>rd</sup> day of February, 2015.

**O R D E R**

The petitioners herein are the four accused in C.C No.912 of 2012 of the Judicial First Class Magistrate Court-I, Thamarassery. They seek orders quashing the prosecution on the ground of amicable settlement of the whole dispute between them and the de facto complainant (victim of offence). Crime in this case was registered under Sections 143, 147, 148, 452, 427 r/w 149 of IPC, on the complaint of one Sathar 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.912 of 2012 of the Judicial First Class Magistrate's Court -I, Thamarassery 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