

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

Crl.MC.No. 671 of 2015

**CC 495/2013 OF CHIEF JUDICIAL MAGISTRATE COURT, KASARAGOD
CRIME NO. 423/2013 OF VIDYA NAGAR POLICE STATION, KASARGOD**
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PETITIONER(S)/ACCUSED NOS. 1 TO 5:

- 1. MUHAMMED MARZOOQ, AGED 21 YEARS,
S/O.LATE ABDUL KHADER, BELLIPPADY HOUSE,
MULIYAR VILLAGE, KASARAGOD.**
- 2. SAHEERANAZ @ ANJU, AGED 21 YEARS,
S/O.ABDULLA, POVVAL, MULIYAR VILLAGE
KASARAGOD.**
- 3. ABDUL JUNAID, AGED 22 YEARS,
S/O.MUHAMMED, BELLIPPADY (H), MULIYAR VILLAGE,
KASARAGOD.**
- 4. KABEER K.K., AGED 22 YEARS,
S/O.MOIDEEN, K.K. PURAM (H), BAVIKARA, MULIYAR VILLAGE,
KASARAGOD.**
- 5. MUHAMMED USAIF, AGED 21 YEARS,
S/O.LATE HAMSA, BAVIKARA MOOLA (H), MULIYAR VILLAGE,
KASARAGOD.**

BY ADV. SRI.V.TEKCHAND

RESPONDENT(S)/COMPLAINANT & STATE:

- 1. RANISH T., AGED 23 YEARS,
S/O.RADHA, PAYAM HOUSE, IRIYANNI,
MULIYAR VILLAGE, KASARAGOD - 671 542.**
- 2. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**

R1 BY SRI.RAJESH N.

R2 BY PUBLIC PROSECUTOR SMT.P.MAYA

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

msv/

Crl.MC.No. 671 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEXURE A1: TRUE COPY OF THE CHARGE SHEET IN CC 495/13 ON THE FILE OF
CJM, KASARAGOD.**

ANNEXURE A2: AN AFFIDAVIT SWORN TO BY THE DEFACTO COMPLAINANT.

RESPONDENT(S)' ANNEXURES:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

P.UBAID, J.

Crl. M.C No. 671 of 2015

Dated this the 3rd day of February, 2015.

O R D E R

The petitioners herein are the five accused in C.C No.495/2013 of the Chief Judicial Magistrate Court, Kasaragod. 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 on the complaint of one Ranjish 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 proceeding 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.495 of 2013 of the Chief Judicial Class Magistrate's Court, Kasaragod 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