

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. 673 of 2015

**CC 715/2014 of JUDICIAL FIRST CLASS MAGISTRATE COURT, PAYYOLI
CRIME NO. 183/2014 OF MEPPAYUR POLICE STATION , KOZHICODE**

PETITIONER(S)/ACCUSED:

1. K.K.NAJEEB, AGED 21 YEARS
S/O.MAMMU, KORONNUKANDY HOUSE, MEPPAYUR P.O.
KOZHICODE.
2. SALM. M, AGED 36 YEARS
S/O.AMMAD, MELAT HOUSE, KEEZPAUR.
3. JASIL.E., AGED 19 YEARS,
S/O.ABDUL SALAM, ERUVAT HOUSE, MEPPAYUR P.O.
KOZHICODE.
4. NABEED T.K. AGED 19 YEARS
S/O.BASHEER, THEKKUMKOOTTATHIL HOUSE, MEPPAYUR P.O.
KOZHICODE.

BY ADV. SMT.K.DEEPA (PAYYANUR)

RESPONDENT(S):

1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.
2. AKHIL KUMAR, AGED 20 YEARS
S/O.RAVEENDRAN, MELEDATH HOUSE, KOZHUKKALLUR P.O.
KOYILANDY, KOZHICODE.

**R1 BY PUBLIC PROSECUTOR SMT.PMAYA
R2 BY ADV. SMT.CELINE JOSEPH**

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

PJ

Crl.MC.No. 673 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES

ANNEXURE-I. COPY OF THE FIR IN CRIME NO.183/2014 OF THE MEPPAYUR POLICE STATION, KOZHIKODE.

ANNEXURE-II. CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO.183/2014 OF THE MEPPAYUR POLICE STATION, KOZHIKODE.

ANNEXURE-III.AFFIDAVIT FILED BY THE 2ND RESPONDENT.

RESPONDENT(S)' ANNEXURES

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

P.UBAID, J.

Crl. M.C No. 673 of 2015

Dated this the 3rd day of February, 2015.

O R D E R

The petitioners herein are the four accused in C.C No. 715 of 2014 of the Judicial First Class Magistrate Court, Payyoli. 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 and 308 IPC r/w 34 of IPC, on the complaint of one Akhil Kumar who is the second 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. 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. I find that Section 308 IPC was incorporated by the police on the basis of some hypothetical statement.

In the result, this petition is allowed. The prosecution against the petitioners herein in C.C No.715 of 2014 of the Judicial First Class Magistrate's Court, Payyoli 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