

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. 675 of 2015 ()

**IN CC 730/2010 of JUDICIAL FIRST CLASS MAGISTRATE COURT, PAYYANNUR
CRIME NO. 256/2010 OF PAYANGADI POLICE STATION, KANNUR**

PETITIONER(S)/ACCUSED:

- 1. MUSTAFA M.K AGED 26 YEARS
S/O.USMAN, MULANJIKKAL HOUSE, MADAYI AMSOM
MUTTAM, VENGARA P.O., KANNUR DISTRICT.**
- 2. ABDULLA K. AGED 29 YEARS
S/O.PAREED, MADAYI AMSOM, MUTTAM
VENGARA P.O., KANNUR DISTRICT.**
- 3. RAMSHEED K. AGED 26 YEARS
S/O.ASHRAF, MADAYI AMSOM, MUTTAM
VENGARA P.O., KANNUR DISTRICT.**
- 4. ISHAQ S.H.
S/O.MUHAMMED KUNHI, MADAYI AMSOM, MUTTAM
VENGARA P.O., KANNUR DISTRICT.**

**BY ADVS.SRI.ZUBAIR PULIKKOOL
SRI.P.S.BINU**

RESPONDENT(S)/COMPLAINANT:

- 1. MUHAMMED HISHAM
S/O.ABDULLA, CHAPPAYIL HOUE, PUTHIYANGADI
MADAYI P.O, KANNUR DISTRICT-670 307.**
- 2. MUSTHAF A.A.V., AGED 33 YEARS
S/O.KUNHAMMED, A.V.HOUSE, PUTHIYANGADI
MADAYI P.O, KANNUR DISTRICT-670 307.**
- 3. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682 031.**

**R1 -2 BY ADV. SMT.P.A.ANEESHA
R3 BY PUBLIC PROSECUTOR**

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

Crl.MC.No. 675 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE-I.COPY OF THE FIR AND POLICE CHARGE IN CRIME NO.256/2010 OF
PAZHAYANGADI POLICE STATION.**

ANNEXURE-II. THE COPY OF THE AFFIDAVIT OF 1ST RESPONDENT

ANNEXURE-III.COPY OF THE AFFIDAVIT OF 2ND RESPONDENT

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

**PA TO JUDGE
sab**

P.UBAID, J.

Crl. M.C No. 675 of 2015

Dated this the 3rd day of February, 2015.

ORDER

The petitioners herein are the accused No. 1 to 4 in C.C No. 730/2010 of the Judicial First Class Magistrate Court, Payyannur. 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 143, 147, 148, 341, 323, 324, 326, 294(b) r/w 149 IPC on the complaint of one Muhammed Hisham 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. The other person who sustained injuries in the alleged incident is the second respondent in this proceeding. He has also 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.730/2010 of the Judicial First Class Magistrate's Court, Payyannur 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