

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

MONDAY, THE 9TH DAY OF FEBRUARY 2015/20TH MAGHA, 1936

Crl.MC.No. 681 of 2015 ()

AGAINST LPC 100/2008 of C.J.M.,KASARAGOD
CRIME NO. 583/2007 OF KASARAGOD POLICE STATION , KASARGOD

PETITIONER(S)/ACCUSED:

K.C.SHAFEEQ AGED 45 YEARS
S/O.K.C.KOYASANKUTTY, RESIDING AT 22/218, VIDYANAGAR
AYYANTHOLE, THRISSUR DISTRICT

BY ADV. SRI.K.M.HASHIR

RESPONDENT(S)/STATE:

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1. THE STATE OF KERALA
THROUGH THE STATION HOUSE OFFICER
KASARAGOD POLICE STATION
REPRESENTED BY THE PUBLIC PROSECUTOR HIGH COURT OF KERALA
ERNAKULAM - 682 031
 2. MAJEED.K.M, S/O.K.MOHAMMED KUNHI
RESIDING AT ZUHAIL MANZIL, NEW ELINJIKA, EAST BEVINJE
THEKKIL FERRY POST, KASARAGOD TALUK
KASARAGOD DISTRICT. 671541

R2 BY ADV. SRI.T.MADHU
R1 BY PUBLIC PROSECUTOR SMT.P.MAYA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
09-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Crl.MC.No. 681 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS :

ANNEXURE A1- THE CERTIFIED COPY OF THE PRIVATE CRIMINAL COMPLAINT
FILED BY THE 2ND RESPONDENT HEREIN AS C.M.P. NO.4087/2007 ON THE FILE
OF THE LEARNED CHIEF JUDICIAL MAGISTRATES COURT, KASARAGOD

ANNEXURE A2- THE CERTIFIED COPY OF THE FIR IN CRIME NO.583/2007 OF
KASARAGOD POLICE STATION

ANNEXURE A3- THE CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO.
583/2007 OF KASARAGOD POLICE STATION

ANNEXURE A4- LTHE TRUE COPY OF THE AGREEMENT DATED 15.1.2015
ENTERED INTO BETWEEN THE PETITIONER AND THE 2ND RESPONDENT

ANNEXURE A5- THE AFFIDAVIT DATED 15.1.2015 SWORN IN BY THE 2ND
RESPONDENT

RESPONDENT(S)' EXHIBITS

/TRUE COPY/

P.S TO JUDGE

P.UBAID, J.
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**Crl.M.C No.681 of 2015**  
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Dated this the 5th February, 2015

ORDER

The petitioner herein is the sole accused in C.C No.27 of 2008 of the Chief Judicial Magistrate's Court, Kasaragod. The case against the petitioner now stands transferred to the register of long pending cases as L.P.C No. 100 of 2008. 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 120 (B), 420, 465, 468 and 471 read with 34 of Indian Penal Code on the complaint of one Majeed 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.C No.100 of 2008 of the Chief Judicial Magistrate's Court, Kasaragod 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