

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 4TH DAY OF FEBRUARY 2015/15TH MAGHA, 1936

Crl.MC.No. 700 of 2015

C.C.NO. 559/2014 OF CHIEF JUDICIAL MAGISTRATE COURT, KASARAGOD

CRIME NO. 569/2013 OF VIDYA NAGAR POLICE STATION , KASARGOD

PETITIONER(S)/ACCUSED :

**MOIDU T.A, AGED 38 YEARS,
S/O.THALANGARA AHAMMED HAJI, THAJUDDEEN MANZIL,
ALAMPADY, MUTTATHDY VILLAGE, KASARAGOD.**

BY ADV. SRI.S.JIJI

RESPONDENT(S)/STATE & DE-FACTO COMPLAINANT :

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. ASIF B.A, AGED 31 YEARS,
S/O.BAVA, B.A.HOUSE, ALAMPADY,
MUTTATHDY VILLAGE, KASARAGOD, PIN- 671 126.**

**R1 BY PUBLIC PROSECUTOR SMT.S.HYMA
R2 BY ADV. SMT.K.S.SANTHI**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 04-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' ANNEXURES :

- ANNEXURE-A1:** TRUE COPY OF F.I.R. IN CR.559/2013 OF VIDYANAGAR POLICE STATION.
- ANNEXURE-A2:** CERTIFIED COPY OF FINAL REPORT IN CR.NO.569/2013 OF VIDYANAGAR POLICE STATION.
- ANNEXURE-A3:** AFFIDAVIT DATED 30/01/2015 SWORN BY THE 2ND RESPONDENT.

RESPONDENT(S)' ANNEXURES :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

P.UBAID, J.

Crl. M.C No.700 of 2015

Dated this the 4th day of February, 2015.

O R D E R

The petitioner herein is the sole accused in C.C No.559/2014 of the Chief Judicial Magistrate Court, Kasaragod. 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 323, 324 and 506(ii) IPC on the complaint of one Asif 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.

In the result, this petition is allowed. The prosecution against the petitioner herein in C.C No.559/2014 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, and the bail bond, if any, executed by him will stand discharged.

P.UBAID,
JUDGE

sab