

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 18TH DAY OF AUGUST 2015/27TH SRAVANA, 1937

Cr1.MC.No. 708 of 2015

IN CC 884/2011 of J.M.F.C., VADAKARA

CRIME NO. 762/2011 OF VATAGARA POLICE STATION, KOZHIKODE

PETITIONERS/ACCUSED 1 TO 3:

1. SAJEESH, AGED 29 YEARS,
S/O.KRISHNAN, THAIPPARAMBATH HOUSE, POOKKOTTUMMAL,
THIRUVALLUR, VATAKARA THALUK.
2. RAJESH, AGED 28 YEARS,
S/O.KUMARAN, MARAKKAMPARAMBATH HOUSE, THIRUVALLUR,
VATAKARA THALUK.
3. SHAJU N.M, AGED 34 YEARS,
S/O.BALAN,
NALLURMEETHAL HOUSE, KEEZHAL P.O., VATAKARA TALUK.

BY ADV. SMT.P.A.ANEESHA

RESPONDENTS/COMPLAINANT:

1. SHAMEEMA, AGED 28 YEARS,
W/O.SALAM, NASEEMA MANSIL HOUSE, PATHIYARAKKARA P.O,
VATAKARA THALUK, KOZHIKODE, PIN - 673 101.
2. NISAMUDDIN, AGED 23 YEARS,
S/O.ABDULLA, THARAVATTATH HOUSE, THIRUVALLUR P.O,
POOKKOTTUMMAL, VATAKARA THALUK, KOZHIKODE - 673 101.
3. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM - 682 031.

R1&2 BY ADV. SRI.ZUBAIR PULIKKOOL
R3 BY PUBLIC PROSECUTOR SMT.S.HYMA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 18-08-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

Cr1.MC.No. 708 of 2015

APPENDIX

PETITIONERS' ANNEXURES:

ANNEXURE-I. COPY OF CHARGE SHEET IN CRIME NO.762/2011 OF
VATAKARA POLICE STATION.

ANNEXURE-II. AGREEMENT EXECUTED BY 2ND AND 3RD PETITIONERS &
1ST RESPONDENT

ANNEXURE-III. SWORN AFFIDAVIT OF 1ST RESPONDENT

ANNEXURE-IV. SWORN AFFIDAVIT OF 2ND RESPONDENT

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.708 of 2015

Dated this the 18th day of August, 2015

O R D E R

The petitioners herein are the three accused in C.C No.884/2011 of the Judicial First Class Magistrate Court, Vatakara. 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, 354 and 294(b) r/w 34 of the Indian Penal Code on the complaint of one Shameema who is the 1st respondent in this proceeding brought under Section 482 of the Code of Criminal Procedure. She has filed affidavit to the effect that she has settled the whole dispute with the accused, and she has no grievance or complaint now.

2. The other person who sustained injuries in the alleged incident is the 2nd 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. A connected case wherein one of the petitioners herein is the complainant also stands quashed by this Court as per the order in Crl.M.C No.716/2015.

3. 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. 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.884/2011 of the Judicial First Class Magistrate Court, Vatakara 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**

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