

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. 716 of 2015

IN SC 1062/2012 OF THE ASSISTANT SESSIONS COURT, VATAKARA

CRIME NO. 783/2011 OF VATAGARA POLICE STATION, KOZHIKODE

PETITIONERS/ACCUSED 1 TO 3:

1. NISAMUDDIN, AGED 23 YEARS,
S/O.ABDULLA, THARAVATTATH HOUSE,
THIRUVALLUR P.O., POOKKOTTUMMAL,
VATAKARA TALUK.
2. MUNEEER, AGED 23 YEARS,
S/O.AMMAD, KUNIYIL HOUSE, THIRUVALLUR,
VATAKARA TALUK.
3. ABDUL KAREEM, AGED 25 YEARS,
S/O.AMMAD, PADINJAREKAZHUNTHAMMAL HOUSE, THIRUVALLUR,
VATAKARA TALUK.

BY ADV. SRI.ZUBAIR PULIKKOOL

RESPONDENTS/COMPLAINANT:

1. SHAJU N.M, AGED 34 YEARS,
S/O.BALAN, NALLURMEETHAL HOUSE, KEEZHAL P.O,
VATAKARA TALUK,
KOZHIKODE -673 101.
2. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.

R1 BY ADV. SMT.P.A.ANEESHA

R2 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. 716 of 2015

APPENDIX

PETITIONERS' ANNEXURES:

ANNEXURE-I.COPY OF THE FIR AND POLICE CHARGE IN CRIME
NO.783/2011 OF THE VATAKARA POLICE STATION, KOZHIKODE.

ANNEXURE-II.COPY OF AGREEMENT EXECUTED BY 1ST RESPNDENT AND
THE SISTER OF 1ST PETITIONER

ANNEXURE-III.SWORN AFFIDAVIT OF THE 1ST RESPONDENT

ANNEXURE IV: COPY OF THE FINAL REPORT IN CRIME NO.783/2011 OF
VATAKARA POLICE STATION.

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

ab

P.UBAID, J.

Crl.M.C No.716 of 2015

Dated this the 18th day of August, 2015

O R D E R

The petitioners herein are the three accused in S.C No.1062/2012 of the Assistant Sessions 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, 326, 506(ii) and 308 r/w 34 of the Indian Penal Code on the complaint of one Shaju who is the 1st 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. On a perusal of the materials, including the final report, I find that Section 308 IPC was incorporated by the police on the basis of some hypothetical statement. 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.708/2015. 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 S.C No.1062/2012 of the Assistant Sessions 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**

ab