

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. 790 of 2015 ()

CRIME NO. 303/2010 OF ATHOLY POLICE STATION, KOZHIKODE DISTRICT

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PETITIONERS/ACCUSED:

- 1. SIRAJ, AGED 33 YEARS
S/O.MOOSA, OTTAPLAKKAL HOUSE, KUNNATHARA.P.O.
KOZHIKODE DISTRICT, PIN-673 620.**
- 2. FIROZ, AGED 36 YEARS
S/O.ALIKOYA, RAROTHIDATHIL HOUSE, KUNNATHARA.P.O.
KOZHIKODE DISTRICT, PIN-673 620.**
- 3. RAJESH, AGED 36 YEARS
S/O.VELAYUDHAN, THODUVAYALIL HOUSE, KUNNATHARA.P.O.
KOZHIKODE DISTRICT, PIN-673 620.**

BY ADV. SRI.E.C.BINEESH

RESPONDENTS/STATE, DEFACTO COMPLAINANT AND INJURED:

- 1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. RAGESH, AGED 34 YEARS
S/O.RAGHAVAN, RESIDING AT SREERAGAM HOUSE
KUNNATHARA.P.O., KOZHIKODE DISTRICT, PIN-673 620.**
- 3. RAJAN, AGED 39 YEARS
S/O.KANNAN, ADUMANDI HOUSE, KUNNATHARA.P.O.
KOZHIKODE DISTRICT, PIN-673 620.**

R2&R3 BY ADV. SMT.M.B.SHYNI

R1 BY Sr. PUBLIC PROSECUTOR SMT. SAREENA GEORGE P.

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

APPENDIX

PETITIONERS' EXHIBITS

**ANNEXURE I- A TRUE COPY OF THE FIRST INFORMATION REPORT IN CRIME
NO.303/2010 OF ATHOLY POLICE STATION, KOZHIKODE DISTRICT.**

**ANNEXURE II- A TRUE COPY OF THE FINAL REPORT NO.300/2010 DATED 3.12.2010
SUBMITTED BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE
COURT-II, PERAMBRA, KOZHIKODE DISTRICT.**

**ANNEXURE III- A TRUE COPY OF THE AFFIDAVIT SWORN BY 2ND RESPONDENT
DATED 12.12.2014.**

**ANNEXURE IV- A TRUE COPY OF THE AFFIDAVIT SWORN BY 3RD RESPONDENT
DATED 12.12.2014.**

RESPONDENTS' EXHIBITS

NIL

// TRUE COPY // P.A. TO JUDGE

SD

P. UBAID, J.

Crl.M.C.No.790 of 2015

Dated this the 9th day of February, 2015

O R D E R

The petitioners herein are the accused in Crime No.303/2010 of the Atholy Police Station. 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 and 506 (ii) IPC read with 34 IPC on the complaint of one Ragesh, 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. The other person who sustained injuries in the alleged incident is the 3rd 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.

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 further 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 FIR and further proceedings in Crime No.303/2010 of the Atholy Police Station will stand quashed under Section 482 of the Code of Criminal Procedure. Accordingly, the petitioners will stand released from prosecution.

Sd/-

P. UBAID, JUDGE

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