

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. 801 of 2015 ()

AGAINST CC 159/2013 of J.M.F.C.-II,HOSDRUG
CRIME NO. 513/2012 OF CHITTARIKKAL POLICE STATION , KASARGOD

PETITIONER(S)/ACCUSED:

1. SHAFEEQ, AGED 25 YEARS,
KAKKADAVU, BEEMANADI VILLAGE,
CHITTARIKKAL, VELLARIKUNDU TALUK,
KASARGOD DISTRICT.
2. SHABEER, AGED 22 YEARS,
KAKKADAVU, BEEMANADI VILLAGE,
CHITTARIKKAL, VELLARIKUNDU TALUK,
KASARGOD DISTRICT.
3. RASHID ARINGAL, AGED 25 YEARS,
KAKKADAVU, BEEMANADI VILLAGE,
CHITTARIKKAL, VELLARIKUNDU TALUK,
KASARGOD DISTRICT.
4. FAIZAL CHUYIKKAYA, AGED 23 YEARS,
KAKKADAVU, BEEMANADI VILLAGE,
CHITTARIKKAL, VELLARIKUNDU TALUK,
KASARGOD DISTRICT.
5. SAMEER IYAMBADI, AGED 22 YEARS,
KAKKADAVU, BEEMANADI VILLAGE,
CHITTARIKKAL, VELLARIKUNDU TALUK,
KASARGOD DISTRICT.
6. RAFEEQ CHUYIKKAYAM, AGED 24 YEARS,
KAKKADAVU, BEEMANADI VILLAGE,
CHITTARIKKAL, VELLARIKUNDU TALUK,
KASARGOD DISTRICT.
7. RAFI ARINGAL, AGED 25 YEARS,
KAKKADAVU, BEEMANADI VILLAGE,
CHITTARIKKAL, VELLARIKUNDU TALUK,
KASARGOD DISTRICT.

BY ADVS.SRI.RAHUL SASI
SMT.NEETHU PREM

RESPONDENT(S)/COMPLAINANT:

1. STATE OF KERALA REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM – 682 031.

2. UNAIZ T.P., AGED 19 YEARS, S/O.JABBAR,
THAZHATHEPEEDIKAYIL HOUSE,
KAKKADAVU, BEEMANADI VILLAGE,
VELLARIKUNDU TALUK, KASARAGOD DISTRICT – 673 001.
3. SANJID, AGED 22 YEARS,S/O.MUHAMMADALI,
SUHARA MANZIL,
KAKKADAVU, BEEMANADI VILLAGE,
VELLARIKUNDU TALUK,
KASARAGOD DISTRICT – 673 001..

R2 BY ADV. SRI.NIRMAL V NAIR
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. 801 of 2015

APPENDIX

ANNEXURE A1: TRUE COPY OF THE FIR IN CRIME NO.513 OF 2012 OF
CHITTARIKKAL POLICE STATION

ANNEXURE A2: TRUE COPY OF THE CHARGE SHEET IN CRIME NO.513 OF
2012 OF CHITTARIKKAL POLICE STATION

ANNEXURE A3: AFFIDAVIT DATED 25.12.2014 SUBMITTED BY 2ND
RESPONDENT

ANNEXURE A4: AFFIDAVIT DATED 25.12.2014 SUBMITTED BY 3RD
RESPONDENT

RESPONDENTS EXHIBITS

/TRUE COPY/

P.S TO JUDGE

P.UBAID, J.
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**Crl.M.C No.801 of 2015**  
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Dated this the 9th February, 2015

ORDER

The petitioners herein are the seven accused in C.C No.159 of 2013 of the Judicial First Class Magistrate's Court-II, Hosdurg. 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 143, 147, 341, 323 and 427 read with 149 of Indian Penal Code on the complaint of one Unaiz, 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. 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.

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, 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 petitioners herein in C.C No.159 of 2013 of the Judicial First Class Magistrate's Court-II, Hosdurg 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.

**SD/-
P.UBAID
JUDGE**

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/True copy/

P.S to Judge