

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 10TH DAY OF FEBRUARY 2015/21ST MAGHA, 1936

Crl.MC.No. 835 of 2015 ()

**IN SC 318/2013 of D.C. & SESSIONS & MACT,KASARAGOD
CRIME NO. 303/2012 OF CHANDERA POLICE STATION , KASARGOD**

PETITIONER(S):

- 1. MUHAMMED SHAFI T. AGED 21 YEARS
S/O.IBRAHIM AC, AC HOUSE, PEKKADAM
NORTH TRIKARIPUR, KASARAGOD DISTRICT**
- 2. MUHAMMED IRSHAD N.
S/O.ISMAIL, BATHAYIL HOUSE, PEKKADAM NORTH TRIKARIPUR
KASARAGOD DISTRICT**
- 3. MUHAMMED SHABEER, S/O ABDUL RAHMAN
BATHAYIL HOUSE PEKKADAM, NORTH TRIKARIPUR
KASARAGOD DISTRICT**
- 4. MUHAMMED SHUHAID,
S/O.SHUKOOR, SUHARA MANZIL, PEKKADAM NORTH
TRIKARIPUR, KASARAGOD DISTRICT**

**BY ADVS.SRI.P.K.SUBHASH
SRI.K.REEHA KHADER**

RESPONDENT(S):

- 1. STATE
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM 682031**
 - 2. GOKUL T.V
S/O.RAGHAVAN K.P., UTHINOOR THEKKUPURAM
UTHINOOR VILLAGE, HOSDURG TALUK, KASARAGOD DISTRICT**
- R2 BY ADV. SRI.A.ARUNKUMAR
R1 BY PUBLIC PROSECUTOR SMT. P. MAYA**

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 10-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Crl.MC.No. 835 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE A1:A TRUE COY OF THE FIR IN CRIME NO.303 OF 2012 OF CHANDERA
POLICE STATION, KASARAGOD DISRICT**

**ANNEXURE AII:TRUE COPY OF THE FINAL REPORT IN CRIME 303 OF 2012 OF
CHANDERA POLICE STATION, KASARAGOD**

ANNEXURE AIII:TRUE COPY OF THE AFFIDAVIT OF THE 2ND RESPONDENT

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

**PA TO JUDGE
sab**

P.UBAID, J.

Crl. M.C No.835 of 2015

Dated this the 10th day of February, 2015.

O R D E R

The petitioners herein are the accused in S.C No. 318 of 2013 of the Sessions Court, Kasaragod. 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, 148, 341, 323, 324, 308 r/w 149 of IPC on the complaint of one Gokul 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. 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. On an examination of the case records I find that Section 308 IPC was in fact incorporated in this case by the police on the basis of some hypothetical statement.

In the result, this petition is allowed. The prosecution against the petitioners herein in S.C No. 318 of 2013 of the Sessions Court, Kasaragod 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