

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. 836 of 2015 ()

**IN SC 514/2013 of D.C. & SESSIONS & MACT,KASARAGOD
CRIME NO. 299/2012 OF CHANDERA POLICE STATION , KASARGOD**

PETITIONER(S)/ACCUSED:

- 1. ANOOP K.K AGED 20 YEARS
S/O.RAMAKRISHNAN, KANICHIRA HOUSE, PEKKADAM
NORTH TRIKARIPUR VILLAGE, KASARAGOD DISTRICT.**
- 2. SHIBIN DAS K AGED 20 YEARS
S/O.SAHMUGHAN, PEKKADAM, TRIKARIPUR
TRIKARIPUR VILLAGE, KASARAGOD DISTRICT.**
- 3. GOKUL T.V AGED 20 YEARS
S/O.K.P.RAGHAVAN, PUTHINOOR, TRIKARIPUR VILLAGE
KASARAGOD DISTRICT.**
- 4. NIDHIN K AGED 24 YEARS
S/O.CHANDRAN, PEKKADAM, TRIKARIPUR
NORTH TRIKARIPUR VILLAGE, KASARAGOD DISTRICT.**

BY ADV. SRI.A.ARUNKUMAR

RESPONDENT(S)/RESPONDENTS:

- 1. STATE
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM. 682 031.**
- 2. A.G.NAJEEB, AGED 20 YEARS
S/O.IBRAHIM, GREEN HOUSE, PEKKADAM
NORTH TRIKARIPUR VILLAGE, HOSDURG TALUK
KASARAGOD DISTRICT.**
- 3. MOHSIN, AGED 20 YEARS
S/O.SHAHUL HAMEED, BADAYIL HOUSE, PUTHINOOR
NORTH TRIKARIPUR VILLAGE, HOSDURG TALUK
KASARAGOD DISTRICT.**
- 4. MUHAMMED SAFVAN T
S/O.ABDUL BASHEER, SAS MAHAL, PUTHINOOR
KASARAGOD DISTRICT.**

**R2-3-4 BY ADV. SRI.P.K.SUBHASH
R1 BY PUBLIC PROSECUTOR SMT. S. HYMA**

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

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE A 1- A TRUE COPY OF THE F.I.R IN CRIME NO.299 OF 2012 OF CHANDERA
POLICE STATION, KASARAGOD DISTRICT.**

ANNEXURE A II- A TRUE COPY OF THE FINAL REPORT.

ANNEXURE A III- TRUE COPY OF THE AFFIDAVIT OF THE 2ND RESPONDENT.

ANNEXURE A IV- TRUE COPY OF THE AFFIDAVIT OF THE 3RD RESPONDENT.

ANNEXURE A V- A TRUE COPY OF THE AFFIDAVIT OF THE 4TH RESPONDENT.

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

PATO JUDGE
sab

P.UBAID, J.

Crl. M.C No. 836 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.514 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 Najeeb 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. The other persons who sustained injuries in the alleged incident are the respondents 3 and 4 in this proceeding. They have also filed affidavit to the effect that they have settled the whole dispute with the accused, and they have 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 a perusal of the case records, I find that Section 308 IPC was in fact incorporated 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.514 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