

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 11TH DAY OF FEBRUARY 2015/22ND MAGHA, 1936

Crl.MC.No. 866 of 2015 ()

**CC 768/2013 of JUDICIAL FIRST CLASS MAGISTRATE COURT-I, PERINTHALMANNA
CRIME NO. 354/2012 OF KOLATHUR POLICE STATION, MALAPPURAM DISTRICT**
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PETITIONER/ACCUSED:

- 1. MUBASHIR, AGED 25 YEARS
S/O.ALAVI, PATTISSERI HOUSE, KALLUVETTUKUZH
MOORKANAD, MALAPPURAM DISTRICT.**
- 2. MUHAMMED RAFI, AGED 23 YEARS
S/O.ALI, KALACHIRA HOUSE, KALLUVETTUKUZH
MOORKANAD, MALAPPURAM DISTRICT.**
- 3. AMEER, AGED 23 YEARS
S/O.EYAATHUTTY, RAMANKALATHIL HOUSE, KALLUVETTUKUZH
MOORKANAD, MALAPPURAM DISTRICT.**
- 4. MUHAMMED RASHID, AGED 24 YEARS
S/O.ZUBAIR, PUNNANTHODI HOUSE, KALLUVETTUKUZH
MOORKANAD, MALAPPURAM DISTRICT.**
- 5. ANISH BABU, AGED 24 YEARS
S/O.MUHAMMED KUTTY, KALAPPARAMBIL HOUSE
KALLUVETTUKUZH, MOORKANAD, MALAPPURAM DISTRICT.**
- 6. FAIZAL @ FAZIL, AGED 22 YEARS
S/O.MUHAMMADALI, POOVAKURISSI HOUSE, MOORKANAD
MALAPPURAM DISTRICT.**
- 7. SHAMSAD, AGED 22 YEARS
S/O.SADIQUE, POOVAKURISSI HOUSE, KALLUVETTUKUZH
MOORKANAD, MALAPPURAM DISTRICT.**
- 8. ABDUL NAZEER @ NAZEER, AGED 26 YEARS
S/O.ABDUL RAHIMAN, PARAYARUKUNDIL HOUSE, MOORKANAD
MALAPPURAM DISTRICT.**
- 9. MAZDOOR ALI, AGED 21 YEARS
S/O.ALI, PATHIRAPPALLY HOUSE, MOORKANAD
MALAPPURAM DISTRICT.**
- 10. SHINAB, AGED 30 YEARS
S/O.HAMZA, CHUNDIKKATTIL HOUSE, MOORKANAD
MALAPPURAM DISTRICT.**

11. FAIZAL, AGED 25 YEARS
S/O.MUHAMMED, KANAKKANTHODI HOUSE
MOORKANAD, MALAPPURAM DISTRICT.

BY ADV. SRI.C.M.KAMMAPPU

RESPONDENTS/STATE & DEFACTO COMPLAINANT/INJURED:

1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA
ERNAKULAM 682 031. (THROUGH STATION HOUSE OFFICER
KOLATHUR POLICE STATION, MALAPPURAM DISTRICT)

2. MUBASHIR P.T, AGED 23 YEARS
S/O.KUTTU, POONTHOTTATHIL HOUSE, POTTIKKUZHI
MOORKKANAD, PERINTHALMANNA TALUK
MALAPPURAM DISTRICT. 679 126.

3. ILYAS BABU P.T., AGED 27 YEARS
S/O.HAMZA, POONTHOTTATHIL HOUSE, POTTIKKUZHI
MOORKKANAD, PERINTHALMANNA TALUK
MALAPPURAM DISTRICT. 679 126.

R2,R3 BY ADV. SRI.MANSOOR.B.H.
R1 BY PUBLIC PROSECUTOR SMT.S. HYMA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 11-02-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:

Crl.MC.No. 866 of 2015 ()

APPENDIX

PETITIONERS' EXHIBITS

**ANNEXURE A. COPY OF THE FINAL REPORT IN CRIME NO.354/2012 OF KOLATHUR
POLICE STATION.**

RESPONDENTS' EXHIBITS

NIL

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

SD

P. UBAID, J.

Crl.M.C.No.866 of 2015

Dated this the 11th day of February, 2015

O R D E R

The petitioners herein are the eleven accused in C.C.No.768/2013 before the Judicial First Class Magistrate Court-I, Perinthalmanna. 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 and 326 IPC read with 149 IPC on the complaint of one Mubashir, 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 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 prosecution against the petitioners herein in C.C.No.768/2013 before the Judicial First Class Magistrate Court-I, Perinthalmanna, 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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