

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 12TH DAY OF FEBRUARY 2015/23RD MAGHA, 1936

Crl.MC.No. 894 of 2015 ()

**ST 1056/2011 of MUNSIF MAGISTRATE COURT, PARAVOOR
CRIME NO. 367/2010 OF CHATHANNOOR POLICE STATION , KOLLAM DISTRICT**
=====

PETITIONERS/ACCUSED:

1. SAJIR, AGED 32 YEARS
S/O.RAHIM, KALLUVILA PUTHEN VEEDU, KUNDUMON
AADICHANALLOOR VILLAGE, KOLLAM.
2. NIZAM, AGED 25 YEARS
S/O.BASITH, KUZHIYAZHIKAM VEEDU, KUNDUMON
AADICHANALLOOR VILLAGE, KOLLAM
3. MUJEEB RAHMAN
S/O.BASITH, KUZHIYAZHIKAM VEEDU, KUNDUMON
AADICHANALLOOR VILLAGE, KOLLAM

BY ADV. SRI.M.KIRANLAL

RESPONDENTS/DE-FACTO COMPLAINANT:

1. THE STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.
2. SHAFEEK, S/O.POONKUNJU, NEDUVILA VEEDU
VELICHICKALA, PALLIMON VILLAGE, KOLLAM 691 001.

**R2 BY ADV. SRI.VISHNU BHUVANACHANDRAN
R1 BY PUBLIC PROSECUTOR SMT. S. HYMA**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 12-02-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

APPENDIX

PETITIONERS' EXHIBITS

ANNEXURE A1: CERTIFIED CRIMINAL MISCELLANEOUS PETITION NO.9206/2010.

**ANNEXURE A2: CERTIFIED COPY OF THE FIR 367/2010 OF CHATHANNOOR POLICE
STATION**

**ANNEXURE A3: CERTIFIED COPY OF THE FINAL REPORT FILED BY THE
CHATHANNOOR POLICE**

ANNEXURE A4: AFFIDAVIT FILED BY THE 2ND RESPONDENT

RESPONDENTS' EXHIBITS

NIL

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

SD

P. UBAID, J.

Crl.M.C.No.894 of 2015

Dated this the 12th day of February, 2015

O R D E R

The petitioners herein are the three accused in S.T.No.1056/2011 of the Judicial First Class Magistrate Court, Paravur. They seek orders quashing the prosecution on the ground of amicable settlement of the whole dispute between them and the de facto complainant. The offences involved in the case are under Sections 341, 323 and 294(b) read with 34 IPC. The defacto complainant is one Shefeeq, 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. 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 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 petitioner herein in S.T.No.1056/2011 of the Judicial First Class Magistrate Court, Paravur 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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