

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 13TH DAY OF FEBRUARY 2015/24TH MAGHA, 1936

Cr1.MC.No. 908 of 2015

IN LP 48/2006 of JUDL.MAG.OF FIRST CLASS-I,MANJERI
CRIME NO.118/2002 OF KALIKAVU POLICE STATION

PETITIONERS/1ST & 2ND ACCUSED:

1. ABDUL HAMEED @ SHAHUL HAMEED, AGED 35 YEARS,
S/O.RAYIN (LATE), KALATHINGAL HOUSE, ORAVUMPURAM,
PANDIKKAD, MALAPPURAM DISTRICT.
2. MUHAMMED IQBAL,
S/O.HANEEFA, INDIAN OVERSEAS TRAVELS MICO COMPLEX,
USMANKHAN STREET, CHINDADIRI PETTA, CHENNAI - 2.

BY ADV. SRI.U.K.DEVIDAS

RESPONDENTS/COMPLAINANT/STATE:

1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.
2. MUHAMMED KUTTY, AGED 79 YEARS,
S/O.KUNHALAVI, KUNNUMMAL HOUSE, KALIKAVU P.O.,
NILAMBUR, MALAPPURAM DISTRICT.

R2 BY ADV. SMT.P.M.SHAHIDA
R1 BY PUBLIC PROSECUTOR SMT.S.HYMA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 13-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Cr1.MC.No. 908 of 2015

APPENDIX

PETITIONERS' ANNEXURES:

ANNEXURE-I: COPY OF THE FIRST INFORMATION REPORT IN CRIME
NO.118/2002 OF KALIKAVU POLICE STATION, DATED 1.10.2002

ANNEXURE-II: COPY OF THE FINAL REPORT IN CRIME NO.118/2002 OF
KALIKAVU POLICE STATION, DATED 1.3.2004

ANNEXURE-III: THE ORIGINAL OF THE AGREEMENT DATED 23.1.2015
EXECUTED BY THE SECOND RESPONDENT.

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.908 of 2015

Dated this the 13th day of February, 2015

O R D E R

The petitioners herein are the two accused in C.C No.221/2004 which stands transferred to the register of long pending cases as L.P No.48/2006 before the Judicial First Class Magistrate Court I, Manjeri. 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 Section 420 r/w 34 of the Indian Penal Code on the complaint of one Muhammed Kutty who is the 2nd respondent in this proceeding brought under Section 482 of the Code of Criminal Procedure. The parties have filed an agreement showing the resolution of the dispute between them. I am satisfied that Annexure III agreement is true and genuine. The whole dispute between the parties stands resolved forever, and the complainant 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 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 petitioner herein in C.C No.221/2004 (now pending as L.P No.48/2006) of the Judicial First Class Magistrate's Court I, Manjeri will stand quashed under Section 482 of the Code of Criminal Procedure. Accordingly, the petitioners will stand released from prosecution.

**P.UBAID
JUDGE**

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