IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 18TH DAY OF FEBRUARY 2015/29TH MAGHA, 1936

Crl.MC.No. 976 of 2015 ()

AGAINST CC 1733/2013 of J.M.F.C.,KASARAGOD
CRIME NO. 746/2011 OF KASARAGOD POLICE STATION , KASARGOD

PETITIONER(S)/ACCUSED:
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1. AHAMMED ZAHEER M, AGED 24 YEARS
S/O.MOOSA, MAITHANIKAL HOUSE, BEDADUKA POST & VILLAGE
KASARAGOD.

2. MUHAMMED FAYAS B.A
S/O.MUHAMMED, RIZWANA MANZIL, PADUVADUKKA
CHENGALA, KASARAGOD.

3. ASHIQ ABDULLA
S/O.ABOOBACKER, RIVER VIE, PANALAM
CHENGALA, KASARAGOD.

4. AHAMMED ASHFAK, AGED 24 YEARS
S/O.ABOOBACKER, KUNNARILATHKUNNIL HOUSE, CHEMNAD
KASARAGOD.

5. UMMER C, AGED 24 YEARS,
S/O.HASSAINAR, CHONA PALLOM HOUSE, ADHUR
KASARAGOD.

6. SHABEER K.S
S/O.SHAFI, SARA MANZIL, THALANGARA
KASARAGOD.

BY ADV. SRI.S.JIJI

RESPONDENT(S):
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1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR HIGH COURT
OF KERALA ERNAKULAM 682 031.

2. RAJESH C
S/O.K.NARAYANAN, PALLAMTHADKA, MOVVAR
KUMBADAJE, KASARAGOD.

3. KRIPESH, AGED 24 YEARS,
S/O.KRISHNAN, MOODAMKULAM, KARUDUKKA
KASARAGOD.

4. KIRANKUMAR K, AGED 25 YEARS,
S/O.M.KRISHNAN, SMITHA NIVAS, CHATTAMCHAL
THEKKIL VILLAGE, KASARAGOD.

R2-4 BY ADV. SMT.K.S.SANTHI
R1 BY PUBLIC PROSECUTOR SMT.S.HYMA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 18-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Crl.MC.No. 976 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS:

ANNEXURE A1. COPY OF THE FIR IN CR.NO.746/11 OF KASARAGOD POLICE STATION.
ANNEXURE A2. COPY OF FINAL REPORT IN CR.NO.746/11 OF KASARAGOD POLICE STATION.
ANNEXURE A3(A).COPY OF THE AFFIDAVIT DATED 22.8.14 SWORN BY THE 2ND RESPONDENT.
ANNEXURE A3(B).COPY OF AFFIDAVIT DATED 10.9.14 SWORN BY THE 3RD RESPONDENT.
ANNEXURE A3(C).COPY OF AFFIDAVIT DATED 27.9.14 SWORN BY THE 4TH RESPONDENT.

RESPONDENT(S)' EXHIBITS:

/TRUE COPY/

P.S TO JUDGE

P.UBAID, J.

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Crl.M.C No.976 of 2015

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Dated this the 18th February, 2015

O R D E R

The petitioners herein are the six accused in C.C No.1733 of 2013 of the Judicial First Class Magistrate's Court-I, 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 and 324 read with 149 of Indian Penal Code on the complaint of one Rajesh, 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. The other persons, who sustained injuries in the alleged incident are the respondent Nos.3 and 4 in this proceeding. They have also filed separate affidavit to the effect that they have settled the whole dispute with the accused, and they have no grievance or complaint now.

3. 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 petitioners herein in C.C No.1733 of 2013 of the Judicial First Class Magistrate's Court-I, 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.

Sd/-
P.UBAID
JUDGE

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/True copy/

P.S to Judge