

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. 1007 of 2015 ()

CRIME NO. 807/2013 OF MANJERI POLICE STATION , MALAPPURAM

PETITIONER(S):

KAMAL @ MUSTHAFA KAMAL
S/O.ASHRAF, MECHERI HOUSE, THURAKKAL
MANJERI, MALAPPURAM DISTRICT.

BY ADV. SRI.P.VENUGOPAL (1086/92)

RESPONDENT(S):

1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA
KOCHI 682 031. (REPRESENTING SUB INSPECTOR OF POLICE
MANJERI).
2. ABHILASH
S/O.VELAYUDHAN, NECHIKAT PALLIYALLIL HOUSE
MANJERI AMSOM, ARUKIZHAYA DESOM, ERNAD TALUK
MALAPPURAM DISTRICT.
3. MANOJ
S/O.RAMACHANDRAN, VAKETHODI HOUSE, MANJERI AMSOM
VAKETHODI DESOM, MULLAMPARA, NEELIPARAMBA
ERNAD TALUK, MALAPPURAM DISTRICT - 676 121.

R2 & R3 BY ADV. SMT.T.J.MARIA GORETTI
R1 BY PUBLIC PROSECUTOR SMT.P.MAYA

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. 1007 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE A. COPY OF THE STATEMENT GIVEN BY THE SECOND RESPONDENT TO THE POLICE ON 09.08.13.

ANNEXURE B. COPY OF THE FIR REGISTERED BY MANJERI POLICE IN CRIME NO.807/13.

ANNEXURE C. COPY OF THE FINAL REPORT SUBMITTED BY THE FIRST RESPONDENT IN CRIME NO.807/13 OF MANJERI POLICE STATION.

ANNEXURE D. COPY OF THE AFFIDAVIT EXECUTED BY THE SECOND RESPONDENT DATED 11.02.15.

ANNEXURE E. COPY OF THE AFFIDAVIT EXECUTED BY THE THIRD RESPONDENT DATED 11.02.15.

RESPONDENT(S)' EXHIBITS

/TRUE COPY/

P.S TO JUDGE

P.UBAID, J.
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**Crl.M.C No.1007 of 2015**  
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Dated this the 18th February, 2015

ORDER

The petitioner herein is the sole accused in C.C No.1198 of 2013 of the Judicial First Class Magistrate Court-I, Manjeri. He seeks orders quashing the prosecution on the ground of amicable settlement of the whole dispute between him and the de facto complainant. Crime in this case was registered under Sections 294 (b), 323 and 324 of Indian Penal Code on the complaint of one Abhilash 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 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.

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 petitioner herein in C.C No.1198 of 2013 of the Judicial First Class Magistrate's Court-I, Manjeri will stand quashed under Section 482 of the Code of Criminal

Procedure. Accordingly, the petitioner will stand released from prosecution and the bail bond, if any, executed by him will stand discharged.

**Sd/-
P.UBAID
JUDGE**

ma

/True copy/

P.S to Judge