

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 20TH DAY OF FEBRUARY 2015/1ST PHALGUNA, 1936

Crl.MC.No. 1043 of 2015 ()

AGAINST CC 477/2014 of J.M.F.C.-I,PATHANAMTHITTA
CRIME NO. 1647/2013 OF PATHANAMTHITTA POLICE STATION , PATHANAMTITTA

PETITIONER(S)/ACCUSED:

1. SHIBILI @ SHAAFIQ, AGED 23 YEARS
S/O JAMALUDIN, KOIKKAMELETHIL
VALANCHUZH, PATHANAMTHITTA
2. SHAN JAMAL, AGED 28 YEARS
S/O. JAMALUDDIN, KOIKKALMELETHIL, VALANCHUZH
PATHANAMTHITTA

BY ADV. SRI.V.K.SUNIL

RESPONDENT(S)/DEFACTO COMPLAINT & STATE:

1. FIROSE MEERAN, AGED 29 YEARS
S/O. CHINNA MEERAN, MELEVEEDU, VALANCHUZH
PATHANAMTHITTA
2. STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM

R1 BY ADV. SMT.NIMA JACOB

R2 BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE.P

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
20-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Crl.MC.No. 1043 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE 1: TRUE COPY OF THE FIR IN CRIME NO. 1647/13 OF
PATHANAMTHITTA POLICE STATION

ANNEXURE II: TRUE COPY OF THE FINAL REPORT IN CRIME NO.,1647/13 OF
PATHANAMTHITTA POLICE STATION

ANNEXURE III: AFFIDAVIT OF THE 1ST RESPONDENT ATTESTED BY PUBLIC
NOTARY

RESPONDENT(S)' EXHIBITS

/TRUE COPY/

P.S TO JUDGE

P.UBAID, J.
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**Crl.M.C No.1043 of 2015**  
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Dated this the 20th February, 2015

ORDER

The petitioners herein are the two accused in C.C No.477 of 2014 of the Judicial First Class Magistrate's Court-I, Pathanamthitta. 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 294 (b), 323 and 324 read with 34 of Indian Penal Code on the complaint of one Firose Meeran, who is the 1st 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 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.477 of 2014 of the Judicial First Class Magistrate's Court-I, Pathanamthitta 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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/True copy/

P.S to Judge