

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. 1055 of 2015 ()

AGAINST CC 467/2014 of J.M.F.C.-I,PATHANAMTHITTA
CRIME NO. 1648/2013 OF PATHANAMTHITTA POLICE STATION , PATHANAMTHITTA

PETITIONER(S)/ACCUSED:

FIROSE MEERAN, AGED 29 YEARS,
S/O.CHINNA, MEERAN, MELEVEEDU
VALANCHUZH, PATHANAMTHITTA.

BY ADV. SMT.NIMA JACOB

RESPONDENT(S)/STATE & DEFACTO COMPLAINANT:

1. SHAFIQ,AGED 23 YEARS,
S/O.JAMALUDDIN, KOIKKALMELETHIL, VALANCHUZH
PATHANAMTHITTA.
2. SHAN JAMAL, AGED 28 YEARS,
S/O.JAMALUDDIN, KOIKKALMELETHIL, VALANCHUZH
PATHANAMTHITTA.
3. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.

R1 & 2 BY ADV. SRI.V.K.SUNIL
R3 BY PUBLIC PROSECUTOR SMT.SAREENA GEORFGE.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. 1055 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE 1: TRUE COPY OF THE F.I.R IN CRIME NO. 1648/13 OF
PATHANAMTHITTA POLICE STATION.
ANNEXURE II: TRUE COPY OF THE FINAL REPORT IN CRIME NO. 1648/13 OF
PATHANAMTHITTA POLICE STATION.
ANNEXURE III: TRUE COPY OF THE WOUND CERTIFICATE OF THE PETITIONER.
ANNEXURE IV: TRUE COPY OF THE WOUND CERTIFICATE OF THE 1ST
RESPONDENT.
ANNEXURE V: TRUE COPY OF THE WOUND CERTIFICATE OF THE 2ND
RESPONDENT.
ANNEXURE VI: AFFIDAVIT OF THE 1ST RESPONDENT ATTESTED BY POLICE
NOTARY.
ANNEXURE VII: AFFIDAVIT OF THE 2ND 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.1055 of 2015**  
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Dated this the 20th February, 2015

ORDER

The petitioner herein is the sole accused in C.C No.467 of 2014 of the Judicial First Class Magistrate's Court, Pathanamthitta. 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 323 and 324 of Indian Penal Code on the complaint of one Shafiq, who is the st 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 2nd 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.467 of 2014 of the Judicial First Class Magistrate's Court, Pathanamthitta will stand quashed under Section 482 of the Code of Criminal

Procedure. Accordingly, the petitioner will stand released from prosecution.

**Sd/-
P.UBAID
JUDGE**

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/True copy/

P.S to Judge