

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 1ST DAY OF APRIL 2015/11TH CHAITHRA, 1937

Crl.MC.No. 1133 of 2015 ()

**-----
CC. NO.473/2014 CHIEF JUDICIAL MAGISTRATE COURT, KASARAGOD.
CRIME NO. 232/2011 OF MANJESHWAR POLICE STATION.
-----**

PETITIONERS/ACCUSED:

-
- 1. SADIQUE, AGED 33 YEARS, (A1)
S/O.ABDILRAHIMAN, R/AT SAHIDA MANZIL,
THAJIPPE, CHIPPAR, KASARAGOD DISTRICT.**
 - 2. SAYYAD, AGED 40 YEARS, (A2)
S/O.IBRAHIM, R/AT KADAMKODI HOUSE,
KADAMKODI, CHIPPAR,
KASARAGOD TALUK AND DISTRICT.**
 - 3. ABDUL RAZAK, AGED 33 YEARS, (A3)
S/O.MOHAMMED HAJI, R/AT KUNDERI HOUSE,
PAIVLIKE VILLAGE, KASARAGOD DISTRICT.**
 - 4. IBRAHIM, AGED 33 YEARS, (A4)
S/O.PODINHI, R/AT THAJIPPE HOUSE, THAJIPPE,
CHIPPAR, KASARAGOD DISTRICT.**
 - 5. ARIF, AGED 36 YEARS, (A5)
S/O.MOIDEEN KUNHI, R/AT BADRADI HOUSE,
BADRADI CHIPPAR, KASARAGOD DISTRICT.**

**BY ADVS.SRI.T.B.SHAJIMON,
SMT.GOVINDU P.RENUKADEVI.**

RESPONDENTS/COMPLAINANT/STATE:

-
- 1. AHAMMED RAIS,
AGED 22 YEARS, S/O.HAMEED,
R/AT AMBIKA HOUSE, PAIVALIKE VILLAGE,
KASARAGOD TALUK AND DISTRICT-673 571.**

Crl.MC.No. 1133 of 2015

**2. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.**

**R1 BY ADV. SRI.LOHITHAKSHAN CHATHADI KANNOTH
R2 BY PUBLIC PROSECUTOR SMT.P. MAYA.**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 01-04-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

Crl.MC.No. 1133 of 2015

APPENDIX

PETITIONER'S ANNEXURES:-

ANNEXURE-A1 THE COPY OF THE FINAL REPORT.

RESPONDENT'S ANNEXURES:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

P. UBAID, J.

Crl.M.C.No.1133 of 2015

Dated this the 1st day of April, 2015

O R D E R

The petitioners herein are the accused Nos.1 and 2 in C.C. No.473/2014 of the Chief Judicial Magistrate Court, 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, 324 and 326 read with 149 IPC on the complaint of one Ahammed Rais, 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 further proceedings 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.473/2014 of the Chief Judicial Magistrate Court, 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

sd