

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 24TH DAY OF FEBRUARY 2015/5TH PHALGUNA, 1936

CrI.MC.No. 1136 of 2015 ()

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CC 486/2011 of JUDICIAL FIRST CLASS MAGISTRATE COURT, MALAPPURAM
CRIME NO. 418/2010 OF KOTTAKKAL POLICE STATION , MALAPPURAM DISTRICT
=====**

PETITIONER/ACCUSED:

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MIRSHAD, AGED 29 YEARS
S/O.ABU, PALAMADATHIL HOUSE
KUNNUPURAM VENGARA
MALAPPURAM DISTRICT.**

BY ADV. SRI.P.SAMSUDIN

RESPONDENTS/STATE AND DE-FACTO COMPLAINANT:

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- 1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682031.
(CRIME NO.418/2010 OF KOTTAKKAL POLICE STATION IN MALAPPURAM
DISTRICT)**
 - 2. MOHAMMED RAFI, AGED 32 YEARS
S/O.MOHAMMED KUTTY, VAYALIL HOUSE
KOTTAKKAL-676323, MALAPPURAM DISTRICT.**

**R2 BY ADV. SRI.JITHIN LUKOSE
R1 BY Sr. PUBLIC PROSECUTOR SMT.SAREENA GEORGE P.**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 24-02-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS

**ANNEXURE-A1 TRUE COPY OF THE FIR IN CRIME NO.418/2010 OF KOTTAKKAL
POLICE STATION**

**ANNEXURE-A2 TRUE COPY OF THE WOUND CERTIFICATE IN CRIME NO.418/2010 OF
KOTTAKKAL POLICE STATION.**

**ANNEXURE-A3 TRUE COPY OF THE FINAL REPORT IN CRIME NO.418/2010 OF
KOTTAKKAL POLICE STATION**

**ANNEXURE-A4 THE AFFIDAVIT DATED 05.01.2015 SWORN IN BY THE 2ND
RESPONDENT.**

RESPONDENTS' EXHIBITS

NIL

// TRUE COPY // P.A. TO JUDGE

SD

P. UBAID, J.

Crl.M.C.No.1136 of 2015

Dated this the 24th day of February, 2015

O R D E R

The petitioner herein is the sole accused in Crime No.418/2010 of the Kottakkal Police Station. 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 341 and 324 IPC on the complaint of one Mohammed Rafi, 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. 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 petitioner herein in C.C.No.486/2011 of the Judicial First Class Magistrate Court, Malappuram, 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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