

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

Crl.MC.No. 1147 of 2015 ()

AGAINST CC 128/2014 of J.M.F.C.-II, HOSDRUG
CRIME NO.905 OF 2013 OF BEKAL POLICE STATION

PETITIONER(S)/ACCUSED 1-3:

1. MUHAMMED SUNAIB, S/O.SULFIKAR ALI AGED 23 YEARS
SULFI HOUSE, KANDAKAAL, KALANAD VILLAGE
CHANDRAGIRI P.O, HOSDURG TALUK, KASARAGOD DISTRICT
2. MUHAMMED SAYED, S/O.ABDULLA KUNJI AGED 28 YEARS
SAINA MANZIL, MELPARAMBU, KALANAD VILLAGE
CHANDRAGIRI P.O., HOSDURG TALUK, KASARAGOD DISTRICT
3. ABDUL MUHSIN, S/O.MOIDU AGED 24 YEARS
RAHMATH MANZIL, DELI KALANAD VILLAGE, CHANDRAGIRI P.O.
HOSDURG TALUK, KASARAGOD DISTRICT

BY ADVS.SRI.RAHUL SASI
SMT.NEETHU PREM

RESPONDENT(S)/COMPLAINANT:

1. STATE OF KERALA
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM
2. MUHAMMED RASHEED, S/O.LATE MUKRI MUHAMMED, AGED 28 YEARS
RASHEED MANZIL, KEEZHOOR KALANAD VILLAGE
CHANDRAGIRI P.O., HOSDURG TALUK, KASARAGOD DISTRICT.

R2 BY ADV. SRI.NIRMAL V NAIR
R1 BY 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:

Crl.MC.No. 1147 of 2015

APPENDIX

PETITIONERS EXHIBITS:

ANNEXURE A1: TRUE COPY OF THE FIR IN CRIME NO.905 OF 2013 OF
BEKAL POLICE STATION

ANNEXURE A2: TREUE COPY OF THE FIINAL REPORT IN CRIME NO.905 OF
2013 OF BEKAL POLICE STATION

ANNEXURE A3: AFFIDAVIT DATED 11.02.2015 SUBMITTED BY THE 2ND
RESPONDENT.

RESPONDENTS EXHIBITS:

/TRUE COPY/

P.S TO JUDGE

P.UBAID, J.

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**Crl.M.C No. 1147 of 2015**

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Dated this the 24th February, 2015

ORDER

The petitioners herein are the three accused in C.C No.128 of 2014 of the Judicial First Class Magistrate Court – II, Hosdurg. 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 341, 294 (b), 323 and 324 read with 34 of Indian Penal Code on the complaint of one Muhammed Rasheed 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 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.128 of 2014 of the Judicial First Class Magistrate's Court-II, Hosdurg 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**

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/True copy/
P.S to Judge

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**P.UBAID
JUDGE**