

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 25TH DAY OF FEBRUARY 2015/6TH PHALGUNA, 1936

Crl.MC.No. 1182 of 2015 ()

IN CC 1414/2014 of J.M.F.C.-II, ATTINGAL

PETITIONER(S)/A1 TO A5:

- 1. NAHAS, S/O.ABDUL MAJEED, AGED 27 YEARS
NAZEEMA MANZIL, ANDOORKONAM DESOM, ANDOORKONAM VILLAGE
THIRUVANANTHAPURAM.**
- 2. NASIF, S/O.ABDUL MAJEED AGED 23 YEARS
NAZEEMA MANZIL, ANDOORKONAM DESOM, ANDOORKONAM VILLAGE
THIRUVANANTHAPURAM.**
- 3. MIDU, S/O.JAYAKUMAR AGED 19 YEARS
MIDUN BHAVAN, NEAR PANIMOOLA TEMPLE
PANIMOOLA DESOM ANDOORKONAM VILLAGE
THIRUVANANTHAPURAM.**
- 4. ANANTHU, S/O.GEETHU AGED 19 YEARS
LAKSHOM VEEDU, ANDOORKONAM DESOM, ANDOORKONAM VILLAGE
THIRUVANANTHAPURAM.**
- 5. SHEBIN, S/O.ABU SALI AGED 24 YEARS
AYANI VEEDU, ANDOORKONAM DESOM, ANDOORKONAM VILLAGE
THIRUVANANTHAPURAM.**

BY ADV. SRI.SHAJIN S.HAMEED

RESPONDENT(S)/STATE & CW1:

- 1. STATE OF KERALA
REPRESENTED BY THE SUB INSPECTOR OF
POLICE MANGALAPURAM POLICE STATION
REPRESENTED THROUGH THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. SHERSHAH, S/O.SHIBILI, AGED 24 YEARS
LAKSHOM VEEDU, ANDOORKONAM DESOM, ANDOORKONAM VILLAGE
THIRUVANANTHAPURAM-695 125**

R2 BY ADV. SRI.A.K.RAJESH

R1 BY PUBLIC PROSECUTOR SMT. SAREENA GEORGE. P

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 25-02-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Crl.MC.No. 1182 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNX.A - CERTIFIED COPY OF THE FIR IN CRIME NO.1054/2013 OF MANGALAPURAM
POLICE STATION**

**ANNX.B - CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO.1054/2013 OF
MANGALAPURAM POLICE STATION**

ANNX.C - AFFIDAVIT EXECUTED BY THE 2ND RESPONDENT.

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

PA TO JUDGE
sab

P.UBAID, J.

Crl. M.C No.1182 of 2015

Dated this the 25th day of February, 2015.

O R D E R

The petitioners herein are the five accused in C.C No.1414 of 2014 of the Judicial First Class Magistrate Court-II, Attingal. 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, 323, 324 r/w 149 of IPC on the complaint of one Shershah who is the second 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. 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 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.1414 of 2014 of the Judicial First Class Magistrate's Court-II, Attingal 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.

P.UBAID,
JUDGE