

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. 1193 of 2015 ()

**IN CC 1365/2012 of JUDICIAL FIRST CLASS MAGISTRATE COURT-II, KOLLAM
CRIME NO. 733/2011 OF KILIKOLLOOR POLICE STATION , KOLLAM**

PETITIONER(S):

- 1. HILAL AGED 21 YEARS
S/O.ABDUL SALAM, MUTHIPARAMBIL TRA 104, THEVALLY
KOLLAM**
- 2. FAYAZ AGED 21 YEARS
S/O.FAZALUDEEN, KAPPAKOOTTATHIL, THALAVILA MUKKU
KALLAMBALAM, KOLLAM**
- 3. SHAFI AGED 21 YEARS
S/O.SHANAVAS, KAVAZHIKATH PUTHEN VEEDU
SASTHRI NAGAR 67 AYATHIL, KOLLAM**
- 4. THALIB AGED 21 YEARS
S/O.BABU, KATTIKIZHAKKTHIL, TKMC P.O.
KUTTICHIRA, KOLLAM**

BY ADV. SRI.SAJU J PANICKER

RESPONDENT(S):

- 1. STATE OF KERALA
(SUB INSPECTOR OF POLICE, KILIKOLLUR POLICE STATION
CRIME NO.733/2011) REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM**
- 2. AFSAL, AGED 23 YEARS
S/O.ASHRAF, BRA NAGAR 58, THEKKEVILA CHERI
THEKEVILA , KOLLAM**

R2 BY ADV. SRI.D.SREENATH

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. 1193 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE A1:THE TRUE COPY OF THE FIR IN CRIME NO.733/2011 OF THE
KILIKOLLUR POLICE STATION**

ANNEXURE A2:THE CERTIFIED COPY OF THE CHARGE SHEET IN CRIME NO.733/2011

ANNEXURE A3:THE AFFIDAVIT SWORN BY THE 2ND RESPONDENT

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

PA TO JUDGE
sab

P.UBAID, J.

Crl. M.C No.1193 of 2015

Dated this the 25th day of February, 2015.

O R D E R

The petitioners herein are the accused in C.C No.1365 of 2012 of the Judicial First Class Magistrate Court II, Kollam. 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, 323, 324 and 34 of IPC on the complaint of one Afsal 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.1365 of 2012 of the Judicial First Class Magistrate Court II, Kollam 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