

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 26TH DAY OF MARCH 2015/5TH CHAITHRA, 1937

Crl.MC.No. 1208 of 2015 ()

**CC 2370/2014 of JUDICIAL FIRST CLASS MAGISTRATE -I, HOSDRUG
CRIME NO. 73/2010 OF CHANDERA POLICE STATION, KASARGOD**

PETITIONER/ACCUSED :

**PRAVEEN P.N., AGED 31 YEARS,
S/O.NARAYANAN, NISHA BAVAN, MOZHAKONGU,
KAYOOR VILLAGE, KASARAGOD DISTRICT**

BY ADV. SRI.S.VISHNU (TRIPUNITHURA)

RESPONDENTS/COMPLAINANT :

**1. STATE OF KERALA
REPRESENTED BY THE SI OF POLICE,
CHANDERA (CRIME NO.73/10 OF CHANDERA POLICE STATION)
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA 682031**

**2. ABDUL RAHIMAN, AGED 23 YEARS,
S/O.ABDUL GHADER, PADANNA
NEAR PADANNA PANCHAYATH OFFICER,
PADANNA VILLAGE, KASARAGOD DISTRICT 671345**

**R1 BY PUBLIC PROSECUTOR SMT. S. HYMA
R2 BY ADV. SRI.C.M.JUNAIR**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 26-03-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

Crl.MC.No. 1208 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE I: A CERTIFIED COPY OF THE FINAL REPORT AS CC.2370/2014 PENDING
ON THE FILE OF JFCM I COURT, HOSDURG.**

**ANNEXURE II: AFFIDAVIT SWORN BY R2 THE DEFACTO DEFACTO COMPLAINANT IN
ANNEXURE I**

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.S TO JUDGE

bp

P.UBAID, J.
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**Crl.M.C No.1208 of 2015**  
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Dated this the 26th March, 2015

ORDER

The petitioner herein is the original 2nd accused in C.C No.794 of 2010 of the Judicial First Class Magistrate's Court-I, Hosdurg. The offences involved in the case are under Sections 341, 323 and 324 read with 34 of Indian Penal Code. He seeks orders quashing the prosecution as against him on the ground of amicable settlement of the whole dispute between him and the victim of offence. It is submitted that the 1st accused already stands acquitted. The de facto complainant Abdul Rahiman 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 the whole dispute now stands settled and he has no grievance or complaint now. The case against the petitioner herein was split up and refiled, and it is now pending as C.C No.2370 of 2014.

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 petitioner herein in C.C 2370 of 2014 of the Judicial First Class Magistrate's Court, Hosdurg will stand quashed under Section 482 of the Code of Criminal Procedure.

**Sd/-
P.UBAID
JUDGE**

ma

/True copy/

P.S to Judge