

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. 1230 of 2015 ()

**IN SC 510/2012 of ADDL.SESIONS COURT (ADHOC)-II, MANJERI
CRIME NO. 64/2012 OF KOLATHUR POLICE STATION , MALAPPURAM**

PETITIONER(S)/ACCUSED 1 TO 7:

- 1. RUVISE
S/O. SAIDALAVI, NARIPATTA HOUSE, KOLATHUR POST
MALAPPURAM DISTRICT.**
- 2. ASHARAFALI,
S/O. AHAMMED, PARAYIL HOUSE, PANG
CHENDI POST, MALAPPURAM DISTRICT.**
- 3. RASHEED,
S/O. SAIDALAVI, PARA HOUSE, KOLATHUR POST
MALAPPURAM DISTRICT.**
- 4. VAHABUDHEEN @ VAHAB
S/O. SAIDALAVI, MANNEEANLODAN HOUSE, KOLATHUR POST
MALAPPURAM DISTRICT.**
- 5. AMEERALI @ AMEER,
S/O. HAMZA, THODEKKADAN HOUSE, KOLATHUR POST
MALAPPURAM DISTRICT.**
- 6. FIROZE @ MANUPPA,
S/O. SAIDALAVI, NARIPATTA HOUSE, KOLATHUR POST
MALAPPURAM DISTRICT.**
- 7. SUBAIR
S/O.ALI, KANHIRAPPALAN HOUSE, KOLATHUR POST
MALAPPURAM DISTRICT.**

BY ADV. SRI.T.PRASAD

Crl.MC.No. 1230 of 2015 ()

RESPONDENT(S)/COMPLAINANT AND STATE:

**1. THE STATION HOUSE OFFICER
KOLATHUR POLICE STATION, MALAPPURAM DISTRICT
THROUGH THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM.**

**2. ABDUL LATHEEF,
S/O. ALI, VILANHIPPULAN HOUSE, KOLATHUR POST
MALAPPURAM**

**R2 BY ADV. SRI.A.HAROON RASHEED
R1 BY PUBLIC PROSECUTOR SMT. S. HYMA**

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

APPENDIX

PETITIONERS ANNEXURES:

- A1: THE TRUE COPY OF THE FIR IN CRIME NO.64/2012 OF KOLATHUR POLICE STATION IN MALAPPURAM DISTRICT REGISTERED BY THE 1ST RESPONDENT**
- A2: THE TRUE COPY OF THE FINAL REPORT IN CRIME NO.64/2012 OF KOLATHUR POLICE STATION IN MALAPPURAM DISTRICT**
- A3: THE TRUE COPY OF THE AFFIDAVIT DATED 03.01.2015 EXECUTED BY THE 2ND RESPONDENT**

RESPONDENTS ANNEXURES: NIL

/TRUE COPY/

PA TO JUDGE
sab

P.UBAID, J.

Crl. M.C No. 1230 of 2015

Dated this the 26th day of March, 2015.

O R D E R

The petitioners herein are the seven accused in S.C No.510 of 2012 of the Second Additional Sessions Court (Adhoc II), Manjeri. 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, 308, 427 r/w 149 of IPC on the complaint of one Abdul Latheef 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.

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 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. On a perusal of the final report I find that Section 308 IPC was incorporated in the proceeding by the police on the basis of some hypothetical statement.

In the result, this petition is allowed. The prosecution against the petitioners herein in S.C No.510 of 2012 of the Second Additional Sessions Court (Adhoc II), Manjeri will stand quashed under Section 482 of the Code of Criminal Procedure. Accordingly, the petitioners will stand released from prosecution.

Sd/-

P.UBAID,
JUDGE