

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 27TH DAY OF FEBRUARY 2015/8TH PHALGUNA, 1936

Crl.MC.No. 1254 of 2015 ()

AGAINST CC 737/2011 of J.M.F.C.,VARKALA
CRIME NO. 340/2011 OF VARKALA POLICE STATION , THIRUVANANDAPURAM

PETITIONER(S)/PETITIONERS/ACCUSED 1 TO 2:

1. ASMIN AGED 31 YEARS
S/O NAZIMUDHEEN, PARAYIL DESAM
EAST KALLAZHIYIL EDAVA VILLAGE, TRIVANDRUM DISTRICT.
2. NARSHAD AGED 35 YEARS
NADHURAMANZHIL, PARAYIL DESAM
EAST KALLAZHIYIL EDAVA VILLAGE, TRIVANDRUM DISTRICT.

BY ADV. SRI.A.C.DEVY

RESPONDENT(S)/RESPONDENTS/COMPLAINANT AND STATE:

1. BASIM, AGED 26 YEARS
S/O BUHARI, THANIMA, H.S.ROAD
EDAVA POST VARKALA, TRIVANDRUM DISTRICT-695311.
2. THE STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682031.

R2 BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE.P

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
27-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

CrI.MC.No. 1254 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE A: THE TRUE COPY OF THE RELEVANT PAGES OF FIR IN CRIME NO.340/2011.

ANNEXURE B: THE TRUE COPY OF THE RELEVANT PAGES OF CHARGE SHEET SUBMITTED BEFORE JFCM, VARKALA IN CRIME NO.340/2011.

ANNEXURE C: THE TRUE COPY OF THE DECLARATION MADE BY THE FIRST RESPONDENT.

ANNEXURE D: THE TRUE COPY OF THE AFFIDAVIT SWORN BY THE FIRST RESPONDENT.

RESPONDENT(S)' EXHIBITS

/TRUE COPY/

P.S TO JUDGE

P.UBAID, J.
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**Crl.M.C No.1254 of 2015**  
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Dated this the 27th February, 2015

ORDER

The petitioners herein are the two accused in C.C No.737 of 2011 of the Judicial First Class Magistrate's Court-I, Varkala. 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, 294 (b) and 427 read with 34 of Indian Penal Code on the complaint of one Basim, who is the 1st 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.737 of 2011 of the Judicial First Class Magistrate's Court-I, Varkala 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