

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

MONDAY, THE 2ND DAY OF MARCH 2015/11TH PHALGUNA, 1936

Crl.MC.No. 1283 of 2015 ()

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CC 584/2011 of JUDICIAL FIRST CLASS MAGISTRATE COURT-I, PERINTHALMANNA
CRIME NO. 471/2011 OF PERINTHALMANNA POLICE STATION, MALAPPURAM
DISTRICT
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PETITIONERS/ACCUSED:

- 1. SHAMEEMUDHEEN, AGED 22 YEARS
S/O. ABDURAHMAN, KULATHIL HOUSE, CHERUKARA
ELAMKULAM, MALAPPURAM DISTRICT.**
- 2. ABDUL JASSER, AGED 29 YEARS
S/O. MUHAMMADALI, CHOLAMUGHATH HOUSE, CHERUKARA
ELAMKULAM, MALAPPURAM DISTRICT.**
- 3. MUHAMMED NAMSHEED, AGED 26 YEARS
S/O. MUHAMMADALI, KOZHIPALLIYALIL HOUSE, CHERUKARA
ELAMKULAM, MALAPPURAM DISTRICT.**
- 4. SAIFUDHEEN, AGED 27 YEARS
S/O. ABDURAHMAN, KULATHIL HOUSE, CHERUKARA
ELAMKULAM, MALAPPURAM DISTRICT.**

BY ADV. SRI.SANTHEEP ANKARATH

RESPONDENTS/STATE & COMPLAINANT:

- 1. STATE OF KERALA
REPRESENTED BY ITS PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM
REPRESENTING SUB INSPECTOR OF POLICE
PERINTHALMANNA POLICE STATION - 679 322
MALAPPURAM DISTRICT.**
- 2. MUHAMMED SHAFEEQ K, AGED 25 YEARS
S/O. MUHAMMED, KUTTIKKODAN HOUSE, PULAMANTHOL AMSOM
KATTUPPARA DESOM, PERINTHALMANNA TALUK
MALAPPURAM DISTRICT - 679 323.**
- 3. MUHAMMED SABITH K.P., AGED 24 YEARS
S/O. AYAMU, PULAMANTHOL AMSOM, KATTUPPARA DESOM
PERINTHALMANNA TALUK, MALAPPURAM DISTRICT - 679 323.**

**R2 & R3 BY ADV. SRI.ARUN MATHEW VADAKKAN
R1 BY Sr. PUBLIC PROSECUTOR SMT. SAREENA GEORGE P.**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 02-03-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

APPENDIX

PETITIONERS' EXHIBITS

- A1 - TRUE COPY OF FIRST INFORMATION REPROT DT. 16.5.11 IN CRIME NO. 471/11 OF PERINTHALMANNA POLICE STATION.
- A2 - AFFIDAVIT EXECUTED BY THE 2ND RESPONDENT DT. 30.1.15.
- A3 - AFFIDAVIT EXECUTED BY THE 3RD RESPONDENT DT. 30.1.15.
- A4 - TRUE COPY OF FINAL REPROT DT. 30.1.11 IN CRIME NO. 471/2011 OF PERINTHALMANNA POLICE STATION.

RESPONDENTS' EXHIBITS

NIL

// TRUE COPY // P.A. TO JUDGE

SD

P. UBAID, J.

Crl.M.C.No.1283 of 2015

Dated this the 2nd day of March, 2015

O R D E R

The petitioners herein are the accused in C.C. No.584 of 2011 of the Judicial First Class Magistrate Court-I, Perinthalmanna. 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 427 read with 34 IPC on the complaint of one Muhammed Sabith, who is the 3rd 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. The other person who sustained injuries in the alleged incident is the 3rd respondent in this proceeding. He has also 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 prosecution in pending proceedings, if the parties have really settled the whole dispute amicably out of

court, and continuance of further proceedings/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. No.584 of 2011 of the Judicial First Class Magistrate Court-I, Perinthalmanna will stand quashed under Section 482 of the Code of Criminal Procedure. Accordingly, the petitioner 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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