

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 7TH DAY OF APRIL 2015/17TH CHAITHRA, 1937

Crl.MC.No. 1304 of 2015 ()

CRIME NO. 337/2014 OF KODUVALLY POLICE STATION , KOZHIKODE

PETITIONER(S)/ACCUSED:

- 1. K.K.C.NAIJU @ NAJUMUDHEEN AGED 27 YEARS
S/O.MOHAMMED, KUZHICHILATTU HOUSE, POST MUTHAMBALAM
KODUVALLY, KOZHIKODE DISTRICT.**
- 2. RIYAS @ MOHAMMED RIZA AGED 26 YEARS
S/O.IBRAHIM KUTTY, NELLIKOTTY PARAMBATH, KODUVALLY
KOZHIKODE DISTRICT.**
- 3. SIDDIQUE K AGED 26 YEARS
S/O.AHAMMEDKUTTY, KANHIRAKANDY HOUSE, NADAMMAL POYIL
KODUVALLY, KOZHIKODE DISTRICT.**
- 4. USSAIN AGED 28 YEARS
S/O.KOYASSAN, KODUVALLY, THAMARASSERY TALUK
KOZHIKODE DISTRICT.**
- 5. SAIFUDHEEN AGED 28 YEARS
S/O.ABOOBACKAR, PUZHICHARITHANAL HOUSE, PALA KUTTY
KODUVALLY, KOZHIKODE DISTRICT.**
- 6. MUNFAR AGED 25 YEARS
S/O.MOHAMMED, IDAYATHODUKAYIL HOUSE
KODUVALLY KOZHIKODE DISTRICT.**
- 7. MOHAMMED FOUSE AGED 28 YEARS
S/O.MOOSA, THEKKEDATH HOUSE, VAVAD
KODUVALLY, KOZHIKODE DISTRICT.**
- 8. SINOJ K
S/O.SUBAIR, ALIRIKKUMKANDY HOUSE
KODUVALLY KOZHIKODE DISTRICT.**

BY ADV. SRI.K.A.SALIL NARAYANAN

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RESPONDENT(S)/RESPONDENTS/STATE, COMPLAINANT AND INJURED:

- 1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.**
 - 2. K.ANDUL RAZAK, AGED 49 YEARS
SON OF MOHAMMED HAJEE, GOLDEN VILA
POST KODUVALLY KOZHIKODE DISTRICT.**
 - 3. SHAMSUDHEEN, AGED 47 YEARS
SON OF MOHAMMED HAJEE, GOLDEN VILA
POST KODUVALLY KOZHIKODE DISTRICT.**
- R2,R3 BY ADV. SRI.B.HARISH KUMAR
R1 BY PUBLIC PROSECUTOR SMT. P. MAYA**

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 07-04-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Crl.MC.No. 1304 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE 1: COPY OF THE FIR IN CIME 337/14 OF THE KODUVALLY POLICE STATION - KOZHIKODE DISTRICT.

ANNEXURE 2: AFFIDAVIT SWORN TO BY RESPONDENTS 2 AND 3.

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

PA TO JUDGE
sab

P.UBAID, J.

Crl. M.C No. 1304 of 2015

Dated this the 7th day of April, 2015.

O R D E R

The petitioners seek orders quashing the F.I.R and further proceedings in Crime No.337 of 2014 of the Koduvally Police Station, registered under Sections 143, 147, 148, 341, 323, 452, 506, 286 r/w 149 of IPC and Sections 3 and 4 of the explosive substances Act on the complaint of one Abdul Razak. Orders are sought on the ground of amicable settlement of the whole dispute between the accused and the de facto complainant out of court. The de facto complainant and the other victim are the respondents Nos.2 and 3 in this proceeding. They have filed affidavit to the effect that they have settled the dispute with the accused, and they have 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; be it at the crime stage or at the trial stage or even at the appellate or revision stage; if the parties have really settled the whole dispute, or if continuance of prosecution will not serve any purpose. Here, I find a real case of settlement between the parties, and I also find that continuance of

prosecution in such a situation will not serve any purpose other than wasting the precious time of the court, when the case ultimately comes before the court. Being a matter affecting public morality, I directed the parties to make personal appearance in court. During interaction the accused (petitioners) repented for the acts committed by them against public morality, and gave word before the court that they will not repeat such instances. However, a severe warning was given to them in open court.

In the result, this petition is allowed. The F.I.R and further proceedings in Crime No.337 of 2014 of the Koduvally Police Station will stand quashed under Section 482 of the Code of Criminal Procedure.

Sd/-

P.UBAID,
JUDGE