

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 4TH DAY OF MARCH 2015/13TH PHALGUNA, 1936

CrI.MC.No. 1316 of 2015 ()

**IN CC 588/2014 of J.M.F.C-I, KASARAGOD
CRIME NO. 362/2011 OF BADIADKKA POLICE STATION, KASARGOD**

PETITIONER(S)/ACCUSED:

- 1. ABDUL HAMEED AGED 31 YEARS
S/O.ABDUL KHADER, KEDINCHI, BADIADKA VILLAGE AND POST
KASARAGOD.**
- 2. IQBAL AGED 34 YEARS
S/O.YOUSUF, SUNFLOWER HOUSE, BADIADKA VILLAGE AND POST
KASARAGOD.**
- 3. ABDUL MANAF AGED 27 YEARS
S/O.ABOOBAKER, C.A.MANZIL, BADIADKA VILLAGE AND POST
KASARAGOD.**
- 4. ABDUL RAUF AGED 33 YEARS
S/O.MOIDEENKUNHI, CHENNARKATTA
BADIADKA VILLAGE AND POST, KASARGOD**
- 5. MUHAMMED ASLAM AGED 35 YEARS
S/O.KUNHAHAMMAD, BEEJAMTHADKA
BADIADKA VILLAGE AND POST, KASARAGOD.**
- 6. SHEREEF B AGED 31 YEARS
S/O.MUHAMMED, ALFINA MANZIL, BADIADKA VILLAGE AND POST
KASARAGOD.**
- 7. SHEFEEK A.M AGED 27 YEARS
S/O.MOIDU, A.K.MANZIL, BADIADKA VILLAGE AND POST
KASARAGOD.**
- 8. HANEEFA K AGED 41 YEARS
S/O.HASSAINAR, KANYANA HOUSE, BADIADKA VILLAGE AND POST
KASARAGOD**
- 9. MUHAMMED HANEEFA AGED 47 YEARS
S/O.MOIDEEN, KARVAR MANZIL, BADIADKA VILLAGE AND POST
KASARAGOD.**

BY ADV. SRI.S.JIJI

Crl.MC.No. 1316 of 2015 ()

RESPONDENT(S)/DE-FACTO COMPLAINANT AND STATE:

**1. JOMON JOSEPH, AGED 36 YEARS
S/O.JOSEPH, KUTTIKKATTUKUNNEL, CHEMPARATHIMAR
BADIADKA, KASARAGOD.**

**2. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.**

**R1 BY ADV. SMT.K.S.SANTHI
R2 BY PUBLIC PROSECUTOR SMT. SAREENA GEORGE. P**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 04-03-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Crl.MC.No. 1316 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE-A1: CERTIFIED COPY OF FINAL REPORT IN CR.362/2011 OF
BADIADKA POLICE STATION.**

ANNEXURE-A2: AFFIDAVIT DATED 16.2.2015 SWORN BY THE IST RESPONDENT.

RESPONDENT(S)' EXHIBITS: NIL

P.UBAID, J.

Crl. M.C No. 1316 of 2015

Dated this the 4th day of March, 2015.

O R D E R

The petitioners herein are the accused in C.C No.588 of 2014 of the Judicial First Class Magistrate Court-I, Kasaragod. 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 and 506(ii) r/w 149 of IPC on the complaint of one Jomon Joseph who is the first 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. 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.

In the result, this petition is allowed. The prosecution against the petitioners herein in C.C No.588 of 2014 of the Judicial First Class Magistrate Court-I, Kasaragod 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.

P.UBAID,
JUDGE