

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

MONDAY, THE 9TH DAY OF MARCH 2015/18TH PHALGUNA, 1936

Cr1.MC.No. 1402 of 2015

IN C.C NO.1036/2012 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT
-I, ATTINGAL
CRIME NO. 240/2012 OF CHIRAYINKEEZHU POLICE STATION,
THIRUVANANTHAPURAM

PETITIONERS/1 TO 4 ACCUSED:

1. NISHIN, AGED 28 YEARS,
S/O.ELIAS RAHATH MANZIL, KOONTHALLOOR DESOM,
KIZHUVILAM VILLAGE,
THIRUVANANTHAPURAM.
2. FAIZAL, AGED 29 YEARS,
S/O.NIZAR, R S MANZIL, MADAPURAM KIZHUVILAM VILLAGE,
THIRUVANANTHAPURAM.
3. SHERIN, AGED 28 YEARS,
S/O.THULASIDAS, K M VILLAS, KOONTHALLOOR DESOM,
KIZHUVILAM VILLAGE, THIRUVANANTHAPURAM.
4. SHIHAS, AGED 43 YEARS,
S/O.HAMSA, K.S MANZIL, KOONTHALLOOR DESOM,
KIZHUVILAM, THIRUVANANTHAPURAM.

BY ADV. SRI.M.R.SARIN

RESPONDENTS/COMPLAINANT:

1. THE STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.
2. NAUSHAD, AGED 40 YEARS,
S/O.IBRAHIM SALIM MANZIL, NEAR PULIMOODU JUNCTION,
KOONTHALLOOR DESOM, KIZHUVILAM VILLAGE
THIRUVANANTHAPURAM - 695 001.

R2 BY ADV. SRI.AJAYA KUMAR. G
BY PUBLIC PROSECUTOR SMT.S.HYMA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 09-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Cr1.MC.No. 1402 of 2015

APPENDIX

PETITIONERS' ANNEXURES:

ANNEXURE-A1: CERTIFIED COPY OF THE FIR NO.240/12 OF
CHIRAYINKEEZHU POLICE STATION.

ANNEXURE-A2: CERTIFIED COPY OF THE FINAL REPORT IN CC
NO.1036/12 PENDING BEFORE JUDICIAL FIRST CLASS MAGISTRATE COURT -
I, ATTINGAL.

ANNEXURE-A3: AFFIDAVIT SIGNED BY THE 2ND RESPONDENT

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

ab

P.UBAID, J.

Crl.M.C No.1402 of 2015

Dated this the 9th day of March, 2015

O R D E R

The petitioners herein are the four accused in C.C No.1036/2012 of the Judicial First Class Magistrate Court I, Attingal. 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 447 and 506(ii) r/w 34 of the Indian Penal Code on the complaint of one Naushad, who is the 2nd 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.1036/2012 of the Judicial First Class Magistrate Court I, Attingal 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**

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