

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

Crl.MC.No. 1466 of 2015 ()

**IN CC 33/2011 of MUNSIFF COURT, ANDROTH
CRIME NO. 19/2009 OF KAVARATHI POLICE STATION , LAKSHADWEEP**

PETITIONER(S)/ACCUSED:

**K.P.MOHAMMED KOYA AGED 61 YEARS
S/O. C.G. K.P KOYA, KUNHIPPUVAKKADA, KALPENI ISLAND
UNION TERRITORY OF LAKSHADWEEP.**

BY ADV. SRI.C.M.MOHAMMED IQUABAL

RESPONDENT(S)/STATE AND COMPLAINANT:

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

**2. SAYYED MOHAMMED KOYA,
S/O. K.K. AHAMMED, MADAM HOUSE, AMINI ISLAND
UNION TERRITORY OF LAKSHADWEEP.**

**R2 BY ADV. SMT.T.J.SEEMA
R1 BY PUBLIC PROSECUTOR SMT. SAREENA GEROGE. P.**

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

Crl.MC.No. 1466 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE A1. A TRUE COPY OF THE FIR IN CRIME NO.19 OF 2009 OF KAVARATTI
POLICE STATION DATED 9.9.2009**

**ANNEXURE A2. A TRUE COPY OF THE FINAL REPORT IN CRIME NO.19 / 2009 OF
KAVARATTI POLICE STATION**

**ANNEXURE A3. A TRUE COPY OF THE AFFIDAVIT OF THE 2ND RESPONDENT DATED
9.2.2015**

RESPONDENT(S)' EXHIBITS:NIL

/TRUE COPY/

**PATO JUDGE
sab**

P.UBAID, J.

Crl. M.C No.1466 of 2015

Dated this the 9th day of March, 2015.

O R D E R

The petitioner herein is the accused in C.C No.33 of 2011 of the Munsiff-Magistrate Court, Andorth. He seeks orders quashing the prosecution on the ground of amicable settlement of the whole dispute between him and the de facto complainant. Crime in this case was registered under Sections 341, 186, 353, 323 and 506 IPC on the complaint of one Sayyed Mohammed Koya who is the second 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. A counter case against the de facto complainant also stands settled, and quashed accordingly.

In the result, this petition is allowed. The prosecution against the petitioner herein in C.C No.33 of 2011 of the Munsiff-Magistrate Court, Andorth 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 him will stand discharged.

P.UBAID,
JUDGE