

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 10TH DAY OF MARCH 2015/19TH PHALGUNA, 1936

Crl.MC.No. 1472 of 2015 ()

AGAINST CC 2953/2014 of J.M.F.C.,CHAVAKKAD
CRIME NO. 2138/2014 OF VADANAPPALLY POLICE STATION , TRISSUR

PETITIONER(S)/ACCUSED:

1. SUHAID AGED 25 YEARS
S/O.SAIDU, POTTAYIL VEETIL HOUSE
THRITHALLOOR ANADA ROAD DESOM, VATANAPPILLY VILLAGE
THRISSUR DISTRICT.
2. SHAFEEK AGED 23 YEARS
S/O.ABDUL RAHMA PANICKAVEETIL HOUSE
THRITHALLOOR ANADA ROAD DESOM, VATANAPPILLY VILLAGE
THRISSUR DISTRICT.

BY ADV. SRI.RAJIT

RESPONDENTS/STATE & DEFACTO COMPLAINANT:

1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.
2. SHAHID, AGED 21 YEARS
S/O.HANEEFA, ARAKKA VEETIL
THRITHALLOOR ANADA ROAD DESOM, VATANAPPILLY VILLAGE
THRISSUR DISTRICT.

R1 BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE.P
R2 BY SRI.V.V.JOY

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
10-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Crl.MC.No. 1472 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE A: TRUE COPY OF THE FINAL REPORT IN CRIME NO. 2138/2014 FILED BY THE VATANAPPILLY POLICE STATION, THRISSUR DISTRICT.

ANNEXURE B: TRUE COPY OF THE AFFIDAVIT FILED BY THE 2ND RESPONDENT EVIDENCING THE ABOVE FACT.

RESPONDENT(S)' EXHIBITS

/TRUE COPY/

P.S TO JUDGE

P.UBAID, J.
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**Crl.M.C No.1472 of 2015**  
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Dated this the 10th March 2015

ORDER

The petitioners herein are the two accused in C.C No.2953 of 2014 of the Judicial First Class Magistrate's Court, Chavakkad. 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, and 324 read with Section 34 of Indian Penal Code on the complaint of one Shahid 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.2953 of 2014 of the Judicial First Class Magistrate's Court, Chavakkad 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.

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/True copy/

SD/-
P.UBAID
JUDGE
P.S to Judge