

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 11TH DAY OF MARCH 2015/20TH PHALGUNA, 1936

Crl.MC.No. 1529 of 2015 ()

**IN CC 3981/2013 of J.M.F.C I, KASARAGOD
CRIME NO. 811/2013 OF KASARAGOD POLICE STATION , KASARGOD**

PETITIONER(S)/PETITIONERS/ACCUSED:

- 1. AHAMMED NAHEEM AGED 22 YEARS
S/O K.S.MEHAMOOD, ORPHANAGE JUNCTION, RAHMANIYA NAGAR
ALAMPADY POST & VILLAGE, KASARAGOD.**
- 2. UNAIS P. AGED 21 YEARS
S/O MUHAMMED, NALAPADOM HOUSE, SEETHAMGOLI
PUTHIGE VILLAGE, KASARAGOD.**

BY ADV. SRI.S.JIJI

RESPONDENT(S)/RESPONDENTS/STATE & INJURED:

- 1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM, KOCHI-31.**
 - 2. VAISHAK RAGHAVAN, AGED 22 YEARS
VANCHIYOTT HOUSE, VARAKKAD, KOTTAMALA POST
WEST ELERI VILLAGE, KASARAGOD DISTRICT.**
- R2 BY ADV. SMT.K.S.SANTHI
R1 BY PUBLIC PROSECUTOR SMT. SAREENA GEORGE. P**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 11-03-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Crl.MC.No. 1529 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE A1: TRUE COPY OF F.I.R. IN CR.811/2013 OF KASARAGOD POLICE STATION.

ANNEXURE A2: CERTIFIED COPY OF FINAL REPORT IN CR.NO.811/2013 OF KASARAGOD POLICE STATION.

ANNEXURE A3: AFFIDAVIT DATED 20.2.2015 SWORN BY THE 2ND RESPONDENT.

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

PATO JUDGE
sab

P.UBAID, J.

Crl. M.C No.1529 of 2015

Dated this the 11th day of March, 2015.

O R D E R

The petitioners herein are the accused in C.C No.3981 of 2013 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 323 and 324 of IPC on the complaint of one Vaishak Raghavan 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.

In the result, this petition is allowed. The prosecution against the petitioners herein in C.C No.3981 of 2013 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