

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. 1558 of 2015 ()

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CC. NO.1659/2013 OF JUDICIAL FIRST CLASS MAGISTRATE COURT,
KUNNAMKULAM.**

CRIME NO. 274/2013 OF VADAKEKKAD POLICE STATION.

PETITIONERS/ACCUSED 1 TO 7:

- 1. HISHAM, AGED 24 YEARS,
S/O.KADER, PRAYANGATTIL HOUSE,
KALLOOR, VADAKEKKAD, CHAVAKKAD THALUK,
THRISSUR DISTRICT.**
- 2. ANAS, AGED 24 YEARS, S/O.V.M.ABOOBACKER,
VETTIKATT HOUSE, KALLOOR, VADAKEKKAD,
CHAVAKKAD THALUK, THRISSUR DISTRICT.**
- 3. AMIN, AGED 22 YEARS, S/O.USMAN,
KURIKKALATH HOUSE, KALLOOR, VADAKEKKAD,
CHAVAKKAD THALUK, THRISSUR DISTRICT.**
- 4. ASHIK, AGED 23 YEARS, S/O.ABOOBACKER,
CHEMBATH HOUSE, KALLOOR, VADAKEKKAD,
CHAVAKKAD THALUK, THRISSUR DISTRICT.**
- 5. SADDIK, AGED 26 YEARS, S/O.MUHAMMED,
PERUMBARATH HOUSE, KALLOOR, VADAKEKKAD,
CHAVAKKAD THALUK, THRISSUR DISTRICT.**
- 6. ANAS, AGED 25 YEARS, S/O.ABOOBACKER,
PERUMBARATH HOUSE, KALLOOR, VADAKEKKAD,
CHAVAKKAD THALUK, THRISSUR DISTRICT.**
- 7. AMIN, AGED 25 YEARS, S/O.MUHAMMEDALI,
PANIKKAVEETIL HOUSE, KALLOOR, VADAKEKKAD,
CHAVAKKAD THALUK, THRISSUR DISTRICT.**

BY ADV. SRI.V.V.JOY.

RESPONDENT/STATE & DEFACTO COMPLAINANT:

- 1. STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. MOHAMMED SHERIF, AGED 25 YEARS,
S/O.ABOOBACKER, ONNARAKKATTIL HOUSE,
NEAR KARNATTIL PALLI, KARNNAKKULPALLY,
KALLOOR, VADAKEKKAD, CHAVAKKAD THALUK,
THRISSUR DISTRICT.**

**R1 BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE. P.,
R2 BY ADV. SRI.RAJIT.**

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

rs.

APPENDIX

PETITIONER'S ANNEXURES:-

**ANNEXURE A- CERTIFIED COPY OF THE FINAL REPORT CRIME NO. 274/2013
FILED BY THE VADAKEKKAD POLICE.**

**ANNEXURE B- AFFIDAVIT EVIDENCING THE FACT SWORN TO BY THE
2ND RESPONDENT.**

RESPONDENT'S ANNEXURES:- NIL.

//TRUE COPY//

P.A. TO JUDGE

rs.

P. UBAID, J.

Crl.M.C.No.1558 of 2015

Dated this the 11th day of March, 2015

O R D E R

The petitioners herein are the seven accused in C.C. No.1659/2013 of the Judicial First Class Magistrate Court, Kunnankulam. 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 143,147,148,323,324,326 and 120(B) read with 149 IPC on the complaint of one Mohammed Sherif, 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 further 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.1659/2013 of the Judicial First Class Magistrate Court, Kunnamkulam 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.

Sd/-

P. UBAID, JUDGE

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