

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. 1559 of 2015 ()

**CC.NO. 1487/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, CHAVAKKAD
CRIME NO. 372/2014 OF VADAKEKKAD POLICE STATION , THRISSUR DISTRICT**

PETITIONER(S)/ACCUSED 1 TO 3:

- 1. SHERIF, AGED 25 YEARS,
S/O.ABOOBACKER, ONNARAKKATTIL HOUSE,
NEAR KARNATTIL PALLI, KARNNAKKULPALLY, KALLOOR,
VADAKEKKAD, CHAVAKKAD THALUK, THRISSUR DISTRICT.**
- 2. MUFFAZ, AGED 22 YEARS, S/O.MUHAMMEDALI,
MANNARAYIL HOUSE, KALLOOR,
OPST. SHAJIHAL, VADAKEKKAD,
CHAVAKKAD THALUK, THRISSUR DISTRICT.**
- 3. ABDUL AZEEZ, AGED 22 YEARS, S/O.MUHAMMED SHEREEF,
KANIYAMPARAMBIL HOUSE, AATTUPPURAM,
PARAYANGADPPALLY ROAD, AATTUPPURAM, PUNNAYURKULAM,
VADAKEKKAD, CHAVAKKAD THALUK, THRISSUR DISTRICT.**

BY ADV. SRI.RAJIT

RESPONDENT(S)/STATE & DEFACTO COMPLAINANT :

- 1. STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.**
- 2. SADIQUE, AGED 26 YEARS, S/O.MUHAMMED,
PERUMBARAMBATH HOUSE, KALLOOR,
VADAKEKKAD VILLAGE, CHAVAKKAD TALUK,
THRISSUR DISTRICT, PIN- 680 506**

R1 BY SR PUBLIC PROSECUTOR SMT.SAREENA GEORGE.P.

R2 BY ADV. SRI.V.V.JOY

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

sts

Crl.MC.No. 1559 of 2015 ()

APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEX A- CERTIFIED COPY OF THE FINAL REPORT CRIME NO. 372/2014 FILED
BY THE VAAKKEKKAD POLICE STATION**

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

RESPONDENT(S)' ANNEXURES: NIL

/TRUE COPY/

P.A.TO.JUDGE

sts

P. UBAID, J.

Crl.M.C.No.1559 of 2015

Dated this the 11th day of March, 2015

O R D E R

The petitioners herein are the accused Nos.1 to 3 in C.C. No.1487/2014 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 341,294(b) and 506(1) read with 34 IPC on the complaint of one Sadique, 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 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.1487/2014 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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