

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 18TH DAY OF MARCH 2015/27TH PHALGUNA, 1936

CrI.MC.No. 1648 of 2015 ()

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CC 55/2014 of CHIEF JUDICIAL MAGISTRATE COURT, KASARAGOD
CRIME NO. 812/2013 OF KASARAGOD POLICE STATION, KASARGOD DISTRICT
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PETITIONERS/ACCUSED:

- 1. AHAMMED NAHEEM, AGED 22 YEARS
S/O.K.S.MEHAMOOD, ORPHANAGE JUNCTION
RAHMANIYA NAGAR, ALAMPADY POST
AND VILLAGE, KASARAGOD.**
- 2. UNAIS P., AGED 21 YEARS, S/O.MUHAMMED
NALAPADOM HOUSE, SEETHAMGOLI
PUTHIGE VILLAGE, KASARAGOD**
- 3. NAVAS P.K., AGED 23 YEARS
S/O.KHADER PALOTH, PALOTH HOUSE, PANALAM
CHENGALA, KASARAGOD.**
- 4. MUHAMMEDKUNHI P., AGED 23 YEARS
S/O.ABDULLA P.K., BADUSHA MANZIL, PALLIPUZHA
KEEKANAM, KASARAGOD.**
- 5. SAYED TAHA C.H., AGED 23 YEARS
S/O.HANEEFA THANGAL, THAHA MANZIL, CHEROOR
CHENGALA, KASARAGOD.**

BY ADV. SRI.S.JIJI

RESPONDENTS/STATE & INJURED:

- 1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. SHIVAN M, AGED 22 YEARS, S/O.RAJAN
PANIKKAR, HARINILAYAM, KUTTIKKOL VILLAGE
KASARAGOD DIST.-671123.**

**R2 BY ADV. SMT.K.S.SANTHI
R1 BY PUBLIC PROSECUTOR SMT. S. HYMA**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 18-03-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

APPENDIX

PETITIONERS' EXHIBITS

ANNEXURE-A1: TRUE COPY OF F.I.R IN CR.812/2013 OF KASARAGOD POLICE STATION.

ANNEXURE-A2: CERTIFIED COPY OF FINAL REPORT IN CR.NO.812/2013 OF KASARAGOD POLICE STATION.

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

RESPONDENTS' EXHIBITS

NIL

// TRUE COPY // P.A. TO JUDGE

SD

P. UBAID, J.

Crl.M.C.No.1648 of 2015

Dated this the 18th day of March, 2015

O R D E R

The petitioners herein are the accused in C.C.No.55/2014 of the Judicial First Class Magistrate Court, 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 143, 147, 148, 341, 323 and 324 read with 149 IPC on the complaint of one Shivan, 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 further 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.55/2014 of the Judicial First Class Magistrate Court, 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.

Sd/-

P. UBAID, JUDGE

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