

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

Crl.MC.No. 1649 of 2015 ()

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CC 1939/2014 of JUDICIAL FIRST CLASS MAGISTRATE COURT-I, KASARAGOD
CRIME NO. 222/2014 OF KASARAGOD POLICE STATION, KASARAGOD DISTRICT
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PETITIONERS/ACCUSED:

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- 1. NAVAS @ PAKKI NAVAS @ ABDUL NAVAS, AGED 42 YEARS
S/O.ABDUL RAHIMAN, A.K.HOUSE, KHAZI LANE
THALANGARA VILLAGE AND POST, KASARAGOD.**
 - 2. IQBAL @ PAKKI IQBAL @ MUHAMMED IQBAL, AGED 44 YEARS
S/O.ABDUL RAHIMAN, A.K.HOUSE, KHAZI LANE
THALANGARA VILLAGE AND POST, KASARAGOD.**

BY ADV. SRI.S.JIJI

RESPONDENTS/DE-FACTO COMPLAINANT AND STATE:

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- 1. MUHAMMEDKUNHI K.S., AGED 37 YEARS
S/O.SULAIMAN HAJI K.S., M.D.NAGAR, THALANGARA
THALANGARA VILLAGE, KASARAGOD.**
 - 2. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.**

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

**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: CERTIFIED COPY OF FINAL REPORT IN CR.222/2014 OF
KASARAGOD POLICE STATION.**

ANNEXURE-A2: AFFIDAVIT DATED 14.2.2015 SWORN BY THE IST RESPONDENT.

RESPONDENTS' EXHIBITS

NIL

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

SD

P. UBAID, J.

Crl.M.C.No.1649 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.1939/2014 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 Section 324 read with 34 IPC on the complaint of one Muhammedkunhi, who is the 1st 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.1939/2014 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.

Sd/-

P. UBAID, JUDGE

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