

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 17TH DAY OF MARCH 2015/26TH PHALGUNA, 1936

Crl.MC.No. 1708 of 2015 ()

CC. NO.465/2011 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-I, NEDUMANGAD.
CRIME NO. 712/2009 OF VENJARAMOODU POLICE STATION,
THIRUVANANTHAPURAM DISTRICT.
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PETITIONERS/ACCUSED:

- 1. SAJIR HUSSAIN, AGED 24 YEARS,
S/O.SHAHUL HAMID, GHARAMATH MANZIL,
KARAMOODU, MELTHONNAKKAL VILLAGE,
VENJARAMOODU P.O., VENJARAMOODU,
THIRUVANANTHAPURAM DISTRICT.**
- 2. NIZAMUDDIN, AGED 18 YEARS,
SHAINA MANZIL, MURIYIL KOOTTARA,
NELLANAD VILLAGE, THIRUVANANTHAPURAM DISTRICT.**
- 3. JOSHY, AGED 18 YEARS, S/O.PATHROSE,
JOSHY BHAVAN, AMBALLUR MURIYIL,
NEAR KOLIYAKKODE CHRISTIAN CHURCH,
KOLIYAKKODE VILLAGE, THIRUVANANTHAPURAM DISTRICT.**
- 4. FIROZ, AGED 18 YEARS, S/O.KABIR,
S.K. NIWAS, PERAYATHUM MUKAL,
MANIKKAL MURIYIL NELLANAD VILLAGE,
THIRUVANANTHAPURAM DISTRICT.**

BY ADV. SRI.SREEKANTH S.NAIR.

RESPONDENTS:

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM,
(CRIME NO.712 OF 2009 OF VENJARAMOODU POLICE STATION).**
- 2. SUB INSPECTOR OF POLICE,
VENJARAMOODU P.S.,
THIRUVANANTHAPURAM-695 001.**

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**3. FEBINSHAH, AGED 20 YEARS,
S/O.SHAJAHAN, VILAYIL VEEDU, MANICKAL MURIYIL,
NEAR VENJARAMOODU KSRTC DEPOT.,
NELLINADU VILLAGE, PATHANAPURAM TALUK,
KOLLAM DISTRICT, KERALA-690 001.**

**R1 & R2 BY SR. PUBLIC PROSECUTOR SMT.SAREENA GEORGE. P.
R3 BY ADV. SRI.M.ZIYAD**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 17-03-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S ANNEXURES:-

**ANNEXURE A1 CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO.465/2011
OF JUDICIAL FIRST CLASS MAGISTRATE COURT-I,
NEDUMANGAD.**

**ANNEXURE A2 COPY OF THE AFFIDAVIT DATED 12/03/2015, SWORN BY THE
DEFACTO COMPLAINANT/3RD RESPONDENT.**

RESPONDENT'S ANNEXURES:- NIL.

//TRUE COPY//

P.A. TO JUDGE

rs.

P.UBAID, J.

Crl.M.C No.1708 of 2015

Dated this the 17th March, 2015

O R D E R

The petitioners herein are the accused in C.C.No.465/2011 of the Judicial First Class Magistrate Court-I, Nedumangad. 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, 323, 427 and 34 IPC on the complaint of one Febinshah, who is the 3rd 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. The counter case also stands quashed on settlement.

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.465/2011 of the Judicial First Class Magistrate Court-I, Nedumangad 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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