

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. 1717 of 2015

C.C.NO.814/2011 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-I,NEDUMANGAD
CRIME NO.713/2009 OF VENJARAMOODU POLICE STATION , THIRUVANANTHAPURAM

PETITIONER(S) :

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

BY ADV. SRI.M.ZIYAD

RESPONDENT(S) :

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM,
(CRIME NO.713 OF 2009 OF VENJARAMOODU POLICE STATION).**
- 2. SUB INSPECTOR OF POLICE,
VENJARAMOODU POLICE STATION,
THIRUVANANTHAPURAM- 695 001.**
- 3. SAJIR HUSSAIN, AGED 24 YEARS,
S/O.SHAHUL HAMID, MARAMATH MANZIL,
KARAMOODU, MELTHONNAKKAL VILLAGE,
VENJARAMOODU P.O, VENJARAMOODU,
THIRUVANANTHAPURAM DISTRICT- 695 001.**

**R1 & R2 BY SR.PUBLIC PROSECUTOR SMT.SAREENA GEORGE.P
R3 BY ADV. SRI.SREEKANTH S.NAIR**

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

Msd.

APPENDIX

PETITIONER(S)' ANNEXURES :

**ANNEXURE A1: CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO.814/2011
OF VENJARAMOODU POLICE STATION CRIME.**

**ANNEXURE A2: TRUE 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.

Msd.

P.UBAID, J.

Crl.M.C No.1717 of 2015

Dated this the 17th March, 2015

O R D E R

The petitioner herein is the sole accused in C.C.No.814/2011 of the Judicial First Class Magistrate Court-I, Nedumangad. He seeks orders quashing the prosecution on the ground of amicable settlement of the whole dispute between him and the de facto complainant. Crime in this case was registered under Sections 341, 323, 294(b) and 506(1) IPC on the complaint of one Sajir Hussain, 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 petitioner herein in C.C.No.814/2011 of the Judicial First Class Magistrate Court-I, Nedumangad will stand quashed under Section 482 of the Code of Criminal Procedure. Accordingly, the petitioner will stand released from prosecution, and the bail bond, if any, executed by him will stand discharged.

Sd/-

P.UBAID, JUDGE

sd