

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. 1719 of 2015 ()

**IN CC 1998/2012 of J.M.F.C.-I, HOSDRUG
CRIME NO. 505/2012 OF HOSDURG POLICE STATION , KASARGOD**

PETITIONER(S)/ACCUSED:

- 1. VIJESH.B AGED 25 YEARS
S/O. RAJAN K., AJANOR KADAPPURAM, AJANOR VILLAGE
KASARAGOD DISTRICT.**
- 2. DILEEP KUMAR A.D,
AJANOR KADAPPURAM, AJANOR VILLAGE
KASARAGOD DISTRICT.**

BY ADV. SRI.SAJIN JOSEPH

RESPONDENT(S)/COMPLAINANT:

- 1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**
- 2. MUHAMMED JASIM,
S/O. KUNHAMMED, T.K. HOUSE, ATHINJAL
AJANOR VILLAGE, KASARAGOD DISTRICT.**
- 3. MUHAMMED ANAS,
S/O. KOHAMMED KUNJI, POONKAVANAM, ATHINJAL
AJANOR VILLAGE, KASARAGOD DISTRICT- 673 001.**

**R2&3 BY ADV. SRI.RAHUL SASI
R2&3 BY ADV. SMT.NEETHU PREM
R1 BY PUBLIC PROSECUTOR SMT. SAREENA GEORGE. P.**

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

Crl.MC.No. 1719 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE A1: A TRUE COPY OF THE FINAL REPORT IN CRIME NO.505 OF 2012 OF
HOSDURG POLICE STATION**

ANNEXURE A2: AFFIDAVIT DATED 07.01.2015 SUBMITTED BY THE 2ND RESPONDENT

ANNEXURE A3: AFFIDAVIT DATED 07.01.2015 SUBMITTED BY THE 3RD RESPONDENT

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY

PATO JUDGE
sab

P.UBAID, J.

Crl. M.C No. 1719 of 2015

Dated this the 17th day of March, 2015.

O R D E R

The petitioners herein are the two accused in C.C No. 1998 of 2012 of the Judicial First Class Magistrate Court – I, Hosdurg. 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 323, 326 r/w 34 of IPC on the complaint of one Muhammed Jasim who is the second 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 other person who sustained injuries in the alleged incident is the respondent No.3 in this proceeding. He has also filed affidavit to the effect that he has settled the whole dispute with the accused, and he has no grievance or complaint now. In so many decisions, the Hon'ble Supreme Court has held that even in cases involving non-

compoundable offences, the High Court can quash the prosecution in pending proceedings, if the parties have really settled the whole dispute amicably out of court, and continuance of the 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. 1998 of 2012 of the Judicial First Class Magistrate Court – I, Hosdurg 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.

P.UBAID,
JUDGE