

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. 1755 of 2015 ()

LP 6/2001 of ASSISTANT SESSIONS COURT, KASARAGOD

PETITIONER/ACCUSED NO. 1 :

**N.A.MOHAMOOD, AGED 50 YEARS,
S/O. ABDULLA HAJI, MUTTATHODI VILLAGE,
ALAMPADI P.O., KASARAGOD DISTRICT**

BY ADV. SMT.REENA ABRAHAM

RESPONDENTS STATE & DEFACTO COMPLAINANT :

- 1. STATION HOUSE OFFICER, KASARGOD POLICE STATION,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. M.P. ABDUL RAHEEM, AGED 46 YEARS,
S/O. KAMAL, RESIDING AT THAIVALAPPU,
CHENGALA, VILLAGE, ALAMPADY POST, KASARGOD DISTRICT**

**R1 BY SENIOR PUBLIC PROSECUTOR SMT. SAREENA GEORGE
R2 BY ADV. SRI.RAJESH PADMANABHAN**

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

bp

APPENDIX

PETITIONER'S ANNEXURES :

- ANNEXURE A1:** COPY OF FIR IN CRIME NO. 482/1995 OF KASARGOD POLICE STATION.
- ANNEXURE A2:** COPY OF THE FINAL REPORT IN CRIME NO. 482/1995 OF KASARGOD POLICE STATION.
- ANNEXURE A3:** COPY OF MEMO OF EVIDENCE IN CRIME NO. 482/1995 F KASARGOD POLICE STATION.
- ANNEXURE A4:** COPY OF THE JUDGMENT OF THE HONOURABLE ASSISTANT SESSIONS CURT KASARGOD IN SC NO. 236/1998 DT 30/11/2000 IN CRIME NO. 482/1995 OF KASARGOD POLICE STATION.
- ANNEXURE A5:** COPY OF ORDER DT 30/3/2006 OF THIS HONOURABLE COURT IN CRI.MC NO. 4407/2003 IN CP 292/1998 OF JFCM COURT IS PRODUCED HERewith AND MARKED AS ANNEXURE A5.
- ANNEXURE A6:** AFFIDAVIT DT 2/3/2015 SWORN IN BY THE R2.

RESPONDENT'S ANNEXURES : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

P. UBAID, J.

Crl.M.C.No.1755 of 2015

Dated this the 18th day of March, 2015

O R D E R

The petitioner herein is the original 1st accused in S.C. No.236/1998 of the Court of Session, Kasaragod. Pending the proceeding the 3rd accused died, and the prosecution against him abated. The other three accused faced trial in S.C.No.236/1998 before the learned Assistant Sessions Judge, Kasaragod, and obtained a judgment of acquittal, when all the material witnesses turned hostile in view of the amicable settlement. The case against the petitioner was split up and refiled as S.C.No.796/2000, and now it stands transferred to the register of long pending cases as L.P.No.6/2001. He now seeks orders quashing the prosecution on the ground of amicable settlement of the whole dispute between him and the de facto complainant, and also on the ground that the others stand acquitted by the trial court. Crime in this case was registered under Sections 409 and 420 IPC on the complaint of one Abdul Raheem, 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 the 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 L.P.No.6/2001 Assistant Sessions Court, Kasaragod, will stand quashed under Section 482 of the Code of Criminal Procedure.

Sd/-
P. UBAID, JUDGE

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