

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 19TH DAY OF MARCH 2015/28TH PHALGUNA, 1936

Crl.MC.No. 1793 of 2015 ()

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CC 698/2013 of JUDICIAL FIRST CLASS MAGISTRATE COURT-I,HOSDRUG
CRIME NO. 233/2012 OF CHANDERA POLICE STATION, KASARGOD DISTRICT
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PETITIONERS/ACCUSED 1 TO 3 AND 5 TO 8:

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- 1. SHAMSAD A.G.C., AGED 29 YEARS
S/O. HAMSA, RESIDING AT AZAD MANZIL
THANKAYAM, NORTH THRIKARIPUR
VILLAGE, HOSDURG TALUK, KASARAGOD DISTRICT.**
 - 2. SHAMSEER ALI K., AGED 22 YEARS
S/O. SHOUKATHALI, RESIDING AT SEENAS, THANKAYAM
NORTH THRIKARIPUR VILLAGE, HOSDURG TALUK, KASARAGOD.**
 - 3. NABEEL, AGED 21 YEARS, S/O. MAJEED K.P,
RESIDING AT ASMA MANZIL, THANKAYAM
NORTH THRIKARIPUR VILLAGE, HOSDURG TALUK, KASARAGOD.**
 - 4. MUHAMMED RAMEES C., AGED 21 YEARS
S/O. ABDUL ROUF T., RESIDING AT
SITHIRAKATH HOUSE, THANKAYAM
NORTH THRIKARIPUR VILLAGE
HOSDURG TALUK, KASARAGOD.**
 - 5. V.P.M. SHAMSAD, AGED 21 YEARS
S/O. SHAMSUDEEN, RESIDING AT DARUL SALAM
SAINABA MANZIL, VADAKUMBAD
NORTH THRIKARIPUR VILLAGE
HOSDURG TALUK, KASARAGOD.**
 - 6. SUHAIL MUHAMMED A.G., AGED 21 YEARS
S/O.P. MUHAMMED, RESIDING AT SUHAILI MANZIL, KOYONKARA
NORTH THRIKARIPUR VILLAGE, HOSDURG TALUK, KASARAGOD.**
 - 7. SHIHAS N, AGED 22 YEARS
S/O. MUHAMMAD KUNHI, RESIDING AT NANGARATH HOUSE
MANA ROAD, BEERICHERI, NORTH THRIKARIPUR VILLAGE
HOSDURG TALUK, KASARAGOD.**

BY ADV. SRI.T.MADHU

RESPONDENTS/DEFACTO COMPLAINTANT AND STATE:

- 1. RAJEEVAN M, AGED 46 YEARS
S/O. LATE KRISHNAN, RESIDING AT KRISHNANILAYAM
KOYANKARA, THRIKARIPUR P.O., NORTH THRIKARIPUR VILLAGE
HOSDURG TALUK, KASARAGOD DISTRICT - 671310.**
 - 2. THE STATE OF KERALA THROUGH THE STATION HOUSE OFFICER
CHANDERA POLICE STATION, KASARAGOD DISTRICT
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682 031.**
- R1 BY ADV. SMT.BINDUMOL JOSEPH
R2 BY Sr. PUBLIC PROSECUTOR SMT. SAREENA GEORGE P.**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 19-03-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

APPENDIX

PETITIONERS' EXHIBITS

ANNEXURE A1	COPY OF THE FIR IN CRIME NO.233/2012 OF CHANDERA POLICE STATION
ANNEUXRE A2	CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO.233/2012 OF CHANDERA POLICE STATION
ANNEXURE A3	AFFIDAVIT DATED 16.01.2015 SWORN IN BY THE 1ST REPENDENT
ANNEXURE A4	CERTIFIED COPY OF THE MEMO OF EVIDENCE IN CRIME NO.233/2012 OF CHANDERA POLICE STATION

RESPONDENT'S EXHIBITS

NIL

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

SD

P. UBAID, J.

Crl.M.C.No.1793 of 2015

Dated this the 19th day of March, 2015

O R D E R

The petitioners herein are the accused Nos.1 to 3 and 5 to 8 in C.C.No.698/2013 of the Judicial First Class Magistrate Court-I, Hosdurg. The case against the 4th accused arraigned in the final report is now before the Juvenile Justice Court. The petitioners 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 143, 147, 148, 452 and 427 read with 149 IPC, on the complaint of one Rajeevan, 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.698/2013 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.

Sd/-

P. UBAID, JUDGE

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