

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. 1805 of 2015 ()

CRIME NO. 476/2012 OF KOLAVALLUR POLICE STATION , KANNUR

PETITIONER(S):

1. **UBAID AGED 22 YEARS**
S/O. ABDULLA, KOTTAYAMKODU, THRIPPANGHOTTOOR
UTHUKKUMMAL, KALLIKKANDY, THALASSERY - 670693.
2. **NIYAS,**
S/O. IBRAHIM, POTHUVALKANDY, THRIPPANGHOTTOOR
UTHUKKUMMAL, KALLIKKANDY, THALASSERY - 670693.
3. **SUHAIB,**
S/O. MAYAN, MADAPEEDIKA, THRIPPANGHOTTOOR
UTHUKKUMMAL, KALLIKKANDY, THALASSERY - 670693.
4. **RIFAYAL,**
S/O. ALI, PILAPPURATHU, THRIPPANGHOTTOOR
UTHUKKUMMAL, KALLIKKANDY, THALASSERY - 670693.
5. **RAMEEZ**
S/O. MAMMIHAJI, VELLIKKANDIKUNIYIL, THRIPPANGHOTTOOR
UTHUKKUMMAL, KALLIKKANDY, THALASSERY - 670693.
6. **ABDULLA,**
S/O. AHAMMED, PARENTAVIDA, THRIPPANGHOTTOOR
UTHUKKUMMAL, KALLIKKANDY, THALASSERY - 670693.

BY ADV. SRI.P.P.RAMACHANDRAN

RESPONDENT(S):

1. **STATE OF KERALA**
SHO KOLAVALLUR POLICE STATION
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM - 682 031.

2. **SAJIR T.P.,**
S/O.P.T. YOUSUF, PADINJARETHATTARATH HOUSE
KALLIKKANDY P.O, THALASSERY - 670 693.

R2 BY ADV. SRI.P.RAHUL

R1 BY 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:

Crl.MC.No. 1805 of 2015 ()

APPENDIX

PETITIONERS ANNEXURES:

**A: TRUE COPY OF THE FIR AND CHARGE IN CRIME NO.476 OF 2012 OF THE
1ST RESPONDENT**

B: AFFIDAVIT SWORN IN BY THE 2ND RESPONDENT

RESPONDENTS ANNEXURES: NIL

/TRUE COPY/

**PA TO JUDGE
sab**

P.UBAID, J.

Crl. M.C No. 1805 of 2015

Dated this the 19th day of March, 2015.

O R D E R

The petitioners herein are the six accused in C.C No.230 of 2013 of the Chief Judicial Magistrate Court, Thalassery. 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 143, 147, 148, 341, 323, 324, 427 r/w 149 of IPC on the complaint of one Sajir 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. 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.230 of 2013 of the Chief Judicial Magistrate Court, Thalassery 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

sab