

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 27TH DAY OF MARCH 2015/6TH CHAITHRA, 1937

Cr1.MC.No. 1873 of 2015

IN C.C NO. 1979/2012 OF THE JUDICIAL FIRST CLASS MAGISTRATE
COURT-I, HOSDRUG

CRIME NO. 241/2012 OF CHEEMENI POLICE STATION, KASARGOD

PETITIONERS/ACCUSED:

1. ASHBI JOSEPH KURIAKOSE, AGED 22 YEARS,
S/O.AUGUSTINE KURIAKOSE, EERATTUPETTA, KOTTAYAM DIST
2. SHAHINSHA P.R, AGED 22 YEARS,
S/O.JABBAR, P.R HOUSE, KALA ROAD,
KOLARI GRAMAM, KANNUR
3. ASOK.K.S, AGED 24 YEARS,
S/O.SOMAN, KAVUNGAL HOUSE, ANGADIPPURAM,
MALAPPURAM
4. THANVEER AHAMMED, AGED 23 YEARS,
S/O.SAYED AHAMMED THANGAL, KUNNATHUPADI HOUSE,
VALAPATTANAM, KANNUR DIST
5. MUHAMMED.T, AGED 22 YEARS,
S/O.K.P MOIDEENKUNJI, CHEENAMADATH HOUSE,
NEELESWARAM VILLAGE, KOZHIKODE
6. DINOOP.T, AGED 22 YEARS,
S/O.DAMODARAN, THACHILOTTU HOUSE, CHEEMENI VILLAGE,
KASARAGODE
7. JAMSHEER MUHAMMED, AGED 23 YEARS,
S/O.MUHAMMED, DARUL NAJID HOUSE, THEKKEPPURAM
8. VINAYAK SASIKUMAR, AGED 23 YEARS,
S/O.SASIKUMAR, ANIDIL HOUSE, CHEMBRAKANAM,
THIMIRI VILLAGE, KASARAGODE.
9. AKHILNATH, AGED 22 YEARS,
S/O.REGHUNATH, BHAVANA HOUSE, THALIPPARAMBU,
KANNUR

BY ADVS.SRI.SANTHOSH P.PODUVAL

SMT.R.RAJITHA

SRI.K.D.SREEVISAKH

RESPONDENTS/RESPONDENTS:

1. STATE OF KERALA
REP BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM-682031
2. ANEESH J, AGED 23 YEARS,
S/O.V.M JANARDHANAN, NAMBIATHRA KOCHAL MADOM,
SOUTH BAZAR, PAYYANNUR, KANNUR-670 001
3. ROSHITH M.P, AGED 23 YEARS,
S/O.T.P BALAKRISHNAN, MANNOOKKARA HOUSE,
THALIPARAMBU, KANNUR DIST -670 142.
4. RITHWIJ.K, AGED 21 YEARS,
S/O.M.V RAJENDRAN, V.V HOUSE, HAJI ROAD,
PAPPINISSERY WEST, KANNUR DIST-670 142

R2-R4 BY ADV. SRI.M.REVIKRISHNAN
BY PUBLIC PROSECUTOR SMT.P.MAYA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 27-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Cr1.MC.No. 1873 of 2015

APPENDIX

PETITIONERS' ANNEXURES:

ANNEXURE A:- COPY OF THE FIR IN CRIME NO 241/12 CHEEMENI POLICE STATION

ANNEXURE B:-CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO 241/12 OF CHEEMENI POLICE STATION

ANNEXURE C:-AFFIDAVIT SWORN BY THE 2ND RESPONDENT

ANNEXURE D:-AFFIDAVIT SWORN BY THE 3RD RESPONDENT

ANNEXURE E:-AFFIDAVIT SWORN BY THE 4TH RESPONDENT

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

ab

P.UBAID, J.

Crl.M.C No.1873 of 2015

Dated this the 27th day of March, 2015

O R D E R

The petitioners herein are the accused in C.C No.1979/2012 of the Judicial First Class Magistrate Court 1, 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 143, 147, 148, 341, 323 and 324 r/w 149 of the Indian Penal Code on the complaint of one Aneesh 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. A counter case also stands settled

2. The other persons who sustained injuries in the alleged incident are the respondent Nos.3 and 4 in this proceeding. They have also filed affidavit to the effect that they have settled the whole dispute with the accused and they have no grievance or complaint now.

3. 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 prosecution 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.1979/2012 of the Judicial First Class Magistrate Court 1, 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.

ab

**P.UBAID
JUDGE**