

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 24TH DAY OF MARCH 2015/3RD CHAITHRA, 1937

CrI.MC.No. 1922 of 2015 ()

**CC 1248/2011 of J.M.F.C.,VATAKARA
CRIME NO. 505/2011 OF VATAKARA POLICE STATION, KOZHIKODE**

PETITIONER:

- 1.HAFSAL, S/O. ANDRU, AGED 28 YEARS
VALANI HOUSE, THIRUVALLUR AMSOM DESOM,
VATAKARA TALUK**
- 2.MOIDU, S/O. SOOPY MOULAVI, AGED 28 YEARS,
PUNATHILKANDI HOUSE, THIRUVALLUR AMSOM DESOM,
VATAKARA TALUK**
- 3. NAVAS, S/O.MOIDU, AGED 26 YEARS,
THAYYULLATHIL HOUSE, THIRUVALLUR AMSOM DESOM,
VATAKARA TALUK**
- 4. SHUAIB, S/O. ABDULLA, AGED 26 YEARS,
MANDOLAKKANDI HOUSE, THIRUVALLUR AMSOM DESOM,
VATAKARA TALUK.**
- 5. ABDUL LATHEEF, S/O. ABDULLA, AGED 27 YEARS,
ARATTAMKANDI HOUSE, THIRUVALLUR AMSOM DESOM,
VATAKARA TALUK.**

BY ADV. SRI.ZUBAIR PULIKKOOL

RESPONDENT:

- 1. RAGESH, S/O. KANNAN,
AGED 35 YEARS, THAROPPOYIL HOUSE,
THIRUVALLUR AMSOM DESOM,
VATAKARA TALUK, KOZHIKODE DIST - 673101.**
- 2. RAJAN, S/O. KANNAN,
AGED 51 YEARS, THAROPPOYIL HOUSE,
THIRUVALLUR AMSOM DESOM,
VATAKARA TALUK. PIN - 673101**
- 3. STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA - 682 031.**

**R1 & 2 BY ADV. SMT.PA.ANEESHA
PUBLIC PROSECUTOR SMT. SAREENA GEORGE. P.**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
24-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Crl.MC.No. 1922 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE 1 : CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO.505/11 OF VATAKARA POLICE STATION.

ANNEXURE II : SWORN AFFIDAVIT OF THE 1ST RESPONDENT.

ANNEXURE III : SWORN AFFIDAVIT OF THE 2ND RESPONDENT.

RESPONDENTS' ANNEXURES : NIL

//TRUE COPY//

P.A. TO JUDGE

smv

P.UBAID, J.

Crl.M.C No.1922 of 2015

Dated this the 24th day of March, 2015

O R D E R

The petitioners herein are the five accused in C.C No.1248 of 2011 of the Judicial First Class Magistrate Court, Vatakara. 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, 324 and 427 r/w. 149 IPC on the complaint of one Ragesh who is the first 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. The other person who sustained injuries in the alleged incident is the 2nd respondent 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.

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 proceeding 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.1248 of 2011 of the Judicial First Class Magistrate's Court, Vatakara 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