

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 26TH DAY OF MARCH 2015/5TH CHAITHRA, 1937

Crl.MC.No. 1967 of 2015 ()

**SC. NO.18/2013 OF 1ST ADDITIONAL ASSISTANT SESSIONS COURT, THRISSUR.
CRIME NO. 413/2012 OF CHAVAKKAD POLICE STATION.**
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PETITIONERS/ACCUSED 1 & 2:

- 1. MANAF, AGED 38 YEARS,
S/O.AHAMMEDKUTTY, ANAKOOTTIL VALIYAKATHU HOUSE,
NALAMKALLU, EDAKAZHIYOOR VILLAGE, DESOM,
CHAVAKKAD TALUK, THRISSUR DISTRICT.**
- 2. SIKKANDHAR @ SIKKANDHAR SAKAFI,
AGED 37 YEARS, S/O.AHAMMEDKUTTY MUSLIYAR,
ANAKOOTTIL VALIYAKATHU HOUSE, NALAMKALLU,
EDAKAZHIYOOR VILLAGE, DESOM, CHAVAKKAD TALUK,
THRISSUR DISTRICT.**

BY ADV. SRI.RAJIT.

RESPONDENT/STATE & DEFACTO COMPLAINANT:

- 1. STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. NIZAR, AGED 37 YEARS,
S/O.SULAIMAN, MUTHEDATH HOUSE, NEAR AMUP SCHOOL,
PUNIYUR VILLAGE, AGALAD DESOM, CHAVAKKAD TALUK,
THRISSUR DISTRICT-679 562.**

**R1 BY SR. PUBLIC PROSECUTOR SMT.SAREENA GEORGE. P.
R2 BY ADV. SRI.V.V.JOY.**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 26-03-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S ANNEXURES:-

**ANNEXURE A- CERTIFIED COPY OF THE FINAL REPORT IN
CRIME NO. 413/2012 OF CHAVAKKAD POLICE STATION.**

**ANNEXURE B- AFFIDAVIT EVIDENCING THE FACT SWORN TO BY THE
2ND RESPONDENT.**

RESPONDENT'S ANNEXURES:- NIL.

//TRUE COPY//

P.A. TO JUDGE

rs.

P. UBAID, J.

Crl.M.C.No.1967 of 2015

Dated this the 26th day of March, 2015

O R D E R

The petitioners herein are the two accused in S.C.No.18/2013 of the First Additional Assistant Sessions Court, Thrissur. 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 341, 323, 324 and 308 read with 34 IPC, on the complaint of one Nizar, 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 petitioners herein in S.C.No.18/2013 of the First Additional Assistant Sessions Court, Thrissur 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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