

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 7TH DAY OF APRIL 2015/17TH CHAITHRA, 1937

Crl.MC.No. 1972 of 2015 ()

CC.NO. 32/2014 OF CHIEF JUDICIAL MAGISTRATE COURT, KASARAGOD
CRIME NO. 689/2006 OF KASARAGOD POLICE STATION , KASARGOD DISTRICT

PETITIONER(S)/ACCUSED 1 TO 3 & 5 TO 9 (A-4 IS NO MORE) :

1. K.A.KHALEEL, AGED 28 YEARS,
S/O.ABDULRAHIMAN, KANTHITHODU HOUSE, PUTHIYAKOPPA,
MUTTATHODY, KASARAGOD.
2. KABEER, S/O.IBRAHIM,AGED 29 YEARS,
PUTHIYAKOPPA, MUTTATHODY, KASARAGOD.
3. ABDUL SAMAD, S/O.MUHAMMED,AGED 33 YEARS,
SIDDIQ MANZIL, PUTHIYAKOPPA,
MUTTATHODY, KASARAGOD.
4. IRSHAD, S/O.ABDULLA, AGED 31 YEARS,
PUTHIYAKOPPA, MUTTATHODY, KASARAGOD.
5. FAIZAL, S/O.A.B.MUHAMMED, AGED 32 YEARS,
PUTHIYAKOPPA, MUTTATHODY, KASARAGOD.
6. ZAKKEER, S/O.UMMER, AGED 28 YEARS,
PUTHIYAKOPPA, MUTTATHODY,KASARAGOD.
7. ILYAS, S/O.A.B.MUHAMMED, AGED 29 YEARS,
PUTHIYAKOPPA, MUTTATHODY, KASARAGOD.
8. MUHAMMEDKUNHI, S/O.IBRAHIM, AGED 33 YEARS,
PUTHIYAKOPPA, MUTTATHODY, KASARAGOD.

BY ADV. SRI.S.JIJI

RESPONDENT(S)/STATE & DE-FACTO COMPLAINANT :

1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM
2. JANARDHANA, AGED 39 YEARS, S/O.KORAGAN,
PANNIPPARA COLONY HOUSE, PANNIPPARA,
MADUR VILLAGE, KASARAGOD-671 126

R1 BY PUBLIC PROSECUTOR SMT. S.HYMA
R2 BY ADV. SMT.K.S.SANTHI

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 07-04-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Crl.MC.No. 1972 of 2015 ()

APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEX A1: CERTIFIED COPY OF THE FINAL REPORT IN CR.NO.689/2006 OF
KASARAGOD POLICE STATION**

ANNEX A2: AFFIDAVIT DATED 17.03.2015 SWORN BY THE 2ND RESPONDENT

RESPONDENT(S)' ANNEXURES:

NIL

/TRUE COPY/

P.A.TO JUDGE

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P. UBAID, J.

Crl.M.C.No.1972 of 2015

Dated this the 7th day of April, 2015

O R D E R

The petitioners herein are the accused Nos.1 to 3 and 5 to 9 in C.C No.32/2014 of the Judicial First Class Magistrate Court, Kasaragod. 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, 341, 323 and 153 A read with 149 IPC. Though Section 153A IPC is seen incorporated in the FIR and the final report, I find that this is not in fact a case involving the essential elements and ingredients of such an offence. It is submitted that the 4th accused died pending the proceeding, and thus the charge against him abated. Crime was registered on the complaint of one Janardhana, 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 C.C No.32/2014 of the Judicial First Class Magistrate Court, Kasaragod 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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