

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.2007 of 2015

**CC NO.2024/2013 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT-II,
HOSDRUG.
CRIME NO.33/2013 OF CHITTARIKAL POLICE STATION,KASARGOD.**

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PETITIONERS/ACCUSED:

- 1. MUHAMMED SHAFI @ SHAFI,AGED 31 YEARS,
S/O.ABDULLA,OTTATHAYIL HOUSE,AMBILERI,
PERUMBATTA,BEEMANADI GRAMAM.**
- 2. SHIHAB @ SHIHABUDEEN,AGED 25 YEARS,
S/O.IBRAHIMKUTTY,KULOTH VALAPPIL,AMBILERI,
PERUMPATTA,BEEMANADI GRAMAM.**
- 3. JAFFAR P.P.C,AGED 25 YEARS,S/O.KUNJABDULLA,
MOULAKIRIYATH,YOUNAZ MANZIL,AMBILERI,
PERUMPATTA,BEEMANADI GRAMAM.**

BY ADV. SRI.P.K.SUBHASH

RESPONDENTS/RESPONDENTS:

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,ERNAKULAM-682031.**
- 2. NARAYANAN,AGED 55 YEARS,S/O.KUNHAMBU,
NALPADI HOUSE,KAKKOT,PERUMBATTA,
BEEMANADI VILLAGE,VELLARIKKUND TALUK,
KASARAGOD DISTRICT.**
- 3. RAGHUNATHAN.A,AGED 30 YEARS,S/O.AMBUNHI,
ALLARATT HOUSE,KANNAMTHODI,PERUMBATTA,
WEST ELERI VILLAGE,VELLARIKKUND TALUK,
KASARAGOD DISTRICT.**
- 4. THOMAS JOSEPH & TOMI,AGED 50 YEARS,
S/O.JOSEPH,VALIPLAKKAL HOUSE,KANNAMTHODI,
PERUMBATTA,WEST ELERI VILLAGE,
VELLARIKKUND TALUK,KASARAGOD DISTRICT.**

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5. **UMESH P.P.,AGED 27 YEARS,S/O.KUNHIRAMAN.N.,
PUTHIYAPURAYIL HOUSE,PAMBURI,
BEEMANADI VILLAGE,VELLARIKKUND TALUK,
KASARAGOD DISTRICT.**
6. **PRAKASHAN.N,AGED 40 YEARS,S/O.DAMODARAN,
NALPADI HOUSE,MUKKADA,BEEMANADI VILLAGE,
VELLARIKKUND TALUK,KASARAGOD DISTRICT.**

**R1 BY SENIOR PUBLIC PROSECUTOR SMT.SAREENA GEORGE.P
R2-R6 BY ADV. SRI.A.ARUNKUMAR**

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

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APPENDIX

PETITIONER'S ANNEXURES:

**ANNEXURE A1-A TRUE COPY OF THE F.I.R IN CRIME NO.33 OF 2013 OF
CHITTARIKKAL POLICE STATION,KASARAGOD DISTRICT.**

**ANNEXURE AII-A TRUE COPY OF THE FINAL REPORT IN CRIME NO.33 OF 2013
OF CHITTARIKKAL POLICE STATION, KASARAGOD.**

ANNEXURE AIII-A TRUE COPY OF THE AFFIDAVIT OF THE 2ND RESPONDENT.

ANNEXURE AIV-A TRUE COPY OF THE AFFIDAVIT OF THE 3RD RESPONDENT.

ANNEXURE AV-A TRUE COPY OF THE AFFIDAVIT OF THE 4TH RESPONDENT.

ANNEXURE AVI-A TRUE COPY OF THE AFFIDAVIT OF THE 5TH RESPONDENT.

ANNEXURE AVII-TRUE COPY OF THE AFFIDAVIT OF THE 6TH RESPONDENT.

RESPONDENT'S ANNEXURES:

NIL

//TRUE COPY//

P.S. TO JUDGE

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P.UBAID, J.
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**Crl.M.C No.2007 of 2015**  
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Dated this the 26th March, 2015

ORDER

The petitioners herein are the three accused in C.C No.2024 of 2013 of the Judicial First Class Magistrate's Court-II, 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, 448, 324 and 427 read with 34 of Indian Penal Code on the complaint of one Narayanan 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. The other persons who sustained injuries in the alleged incident are the respondents 3 to 6 in this proceeding. They have also filed separate 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.2024 of 2013 of the Judicial First Class Magistrate's Court-II, 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.

**Sd/-
P.UBAID
JUDGE**

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/True copy/

P.S to Judge