

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

Crl.MC.No. 2032 of 2015 ()

**IN CP 22/2015 of J.M.F.C-I, TIRUR
CRIME NO. 138/2012 OF VALANCHERRY POLICE STATION , MALAPPURAM**

PETITIONER(S)/ACCUSED:

**AFSAL HARIS AGED 24 YEARS
S/O.ABDUL RASAK, VAZHAYIL, IRUMBILIYAM PO
VALANCHERRY, MALAPPURAM DISTRICT**

BY ADV. SRI.SANTHEEP ANKARATH

RESPONDENT(S)/STATE & COMPLAINANT:

**1. THE STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM
REPRESENTING SUB INSPECTOR OF POLICE
VALANCHERRY POLICE STATION, VALANCHERRY 676 552.**

**2. SHAJI, S/O.RAVI, , AGED 25 YEARS
VAZHUTHANAPARAMBIL, EDAYOOR, TIRUR
MALAPPURAM DISTRICT, PIN - 676 552.**

**R2 BY ADV. SRI.Y.JAFAR KHAN
R1 BY PUBLIC PROSECUTOR SMT. SAREENA GEORGE. P.**

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

Crl.MC.No. 2032 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE A1- TRUE COPY OF THE FIRST INFORMATION REPORT DATED 18.3.12 IN
CRIME NO.138 OF 2012 OF VALANCHERRY POLICE STATION DATED 18.3.2012**

**ANNEXURE A2- TRUE COPY OF THE FINAL REPORT DATED 3.4.2012 IN CRIME NO.138
OF 2012 OF VALANCHERRY POLICE STATION**

ANNEXURE A3- AFFIDAVIT DATED 19.3.2015 EXECUTED BY THE 2ND RESPONDENT

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

PA TO JUDGE
sab

P.UBAID, J.

Crl. M.C No. 2032 of 2015

Dated this the 27th day of March, 2015.

O R D E R

The petitioner herein is the accused in C.P No.22 of 2015 of the Judicial First Class Magistrate Court-I, Tirur. He seeks orders quashing the prosecution on the ground of amicable settlement of the whole dispute between him and the de facto complainant. Crime in this case was registered under Sections 341, 323, 324 and 308 of IPC on the complaint of one Shaji who is the second 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 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. On a perusal of the FIR and the final report I find nothing to constitute the offence under Section 308 IPC. It appears that the police incorporated such Section on the basis of some hypothetical statement. Anyway, the parties have come to terms amicably.

In the result, this petition is allowed. The prosecution against the petitioner herein in C.P No.22 of 2015 of the Judicial First Class Magistrate Court-I, Tirur will stand quashed under Section 482 of the Code of Criminal Procedure. Accordingly, the petitioner will stand released from prosecution.

Sd/-

P.UBAID,
JUDGE