

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.UBAID

MONDAY, THE 30TH DAY OF MARCH 2015/9TH CHAITHRA, 1937

Crl.MC.No.2052 of 2015

**CC NO.1925/2014 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT-I
KASARAGOD.**

CRIME NO.144/2014 OF KASARAGOD POLICE STATION,KASARGOD.

..

PETITIONER/ACCUSED:

**SHABEER.M.E,AGED 24 YEARS,S/O.K.A.IBRAHIM,
RESIDING AT THIVALAPPIL HOUSE,
CHOORI,KUDLU,MADHUR VILLAGE,
R.D.NAGAR P.O.,KASARAGOD DISTRICT.**

BY ADV.SRI.JAWAHAR JOSE

RESPONDENTS/STATE, DEFACTO-COMPLAINANT & INJURED:

- 1. THE STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,ERNAKULAM-682 031.**
- 2. SHIJU.C.,AGED 34 YEARS,S/O.ANANTHAN,
RESIDING AT CHANDROTH HOUSE,
NANIYOOR,MAMBARAM,MAYYIL VILLAGE,
KANNUR DISTRICT-670 602.**

**R1 BY SENIOR PUBLIC PROSECUTOR SMT.SAREENA GEORGE.P
R2 BY ADV.SRI.V.VINAY MENON**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 30-03-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

pk

Crl.MC.No.2052 of 2015

APPENDIX

PETITIONER'S EXHIBITS:

ANNEXURE I: CERTIFIED COPY OF FIR.

ANNEXURE II: CERTIFIED COPY OF CHARGE SHEET.

ANNEXURE III: CERTIFIED COPY OF WOUND CERTIFICATE.

**ANNEXURE IV: AFFIDAVIT SWEARED BY THE 2ND RESPONDENT EVIDENCING
THE SETTLEMENT OF DISPUTE.**

RESPONDENT'S EXHIBITS: **NIL**

//TRUE COPY//

P.S. TO JUDGE

pk

P. UBAID, J.

Crl.M.C.No.2052 of 2015

Dated this the 30th day of March, 2015

O R D E R

The petitioner herein is the accused in C.C No.1925/2014 of the Judicial First Class Magistrate Court-I, Kasaragod. 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 324 and 341 IPC on the complaint of one Shiju, 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 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 petitioner herein in C.C No.1925/2014 of the Judicial First Class Magistrate Court-I, Kasaragod, will stand quashed under Section 482 of the Code of Criminal Procedure. Accordingly, the petitioner will stand released from prosecution and the bail bond, if any, executed by him will stand discharged.

Sd/-

P. UBAID, JUDGE

sd