

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. 2055 of 2015 ()

**(CRIME NO. 25/2014 OF PAYANGADI POLICE STATION, KANNUR DISTRICT NOW
PENDING AS CC.NO. 241/2014 of JUDICIAL FIRST CLASS MAGISTRATE COURT,
PAYYANNUR)**

PETITIONER(S)/ACCUSED:

- 1. ARSHAD M., AGED 25 YEARS
S/O. ASHRAF, KHALID QUARTERS, MADAYI AMSOM,
NEAR RAILWAY OVER BRIDGE, PAYANGADI, KANNUR.**
- 2. SHANAS, AGED 29 YEARS,
S/O. ALI, A.K. QUARTERS, MADAYI AMSOM DESOM,
NEAR RAILWAY STATION, PAYANGADI, KANNUR.**
- 3. SANESH P.V, AGED 22 YEARS,
S/O. UNNI, PUTHIYA VEETIL HOUSE, MADAYI AMSOM DESOM,
NEAR PRATHIBHA TALKIES, PAYANGADI, KANNUR.**
- 4. SHEFEER K.P., AGED 30 YEARS,
S/O. AZEEZ, KUNHIKANI PARAMBIL HOUSE
MADAYI AMSOM DESOM, PAYANGADI, PALAYAM ROAD,
KANNUR DISTRICT.**

**BY ADVS.SRI.M.SASINDRAN
SRI.A.ARUNKUMAR**

RESPONDENT(S)/RESPONDENTS:

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**
- 2. SHAKKIR HUSSAIN M., AGED 33 YEARS,
S/O. ABDULLA, FATHIMA MANZIL, MADAI AMSOM,
NEAR PAYANGADI OVER BRIDGE, KANNUR - 670 001.**
- 3. SUMAYYA, AGED 31 YEARS,
W/O. SHAKKEER HUSSAIN M., M. PAKKARATE CHALIL HOUSE,
MADAI, MADAI AMSOM, NEAR PAYANGADI OVER BRIDGE
KANNUR- 670 001.**

Crl.MC.No. 2055 of 2015 ()

**4. AMEER M.V., AGED 34 YEARS,
S/O. MUHAMMED, M.V. HOUSE, NEAR PRATHIBHA TALKIES,
MADAI AMSOM, DESOM, PAYANGADI,
KANNUR- 670 001.**

**R1 BY (SR) PUBLIC PROSECUTOR SMT.SAREENA GEORGE.P.
R2 -R 4 BY ADV. SRI.S.R.SREEJITH**

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

vmr.

APPENDIX

PETITIONERS ANNEXURES

**ANNEXURE A1- A TRUE COPY OF THE FIR IN CRIME NO.25 OF 2014 OF PAYANGADI
POLICE STATION DATED 09/01/2014.**

ANNEXURE AII- A TRUE COPY OF THE FINAL REPORT DATED 09/01/2014.

**ANNEXURE AIII- A TRUE COPY OF THE AGREEMENT ENTERED BETWEEN THE
PETITIONERS AND THE 2ND RESPONDENT.**

**ANNEXURE AIV- A TRUE COPY OF THE AFFIDAVIT SWORN TO BY THE 2ND
RESPONDENT ENDORSING THE FACTUM OF COMPOUNDING OF
THE ABOVE SAID OFFENCES AND THE SETTLEMENT OF DISPUTES
BETWEEN THE PARTIES.**

**ANNEXURE AIV(a) - A TRUE COPY OF THE AFFIDAVIT SWORN TO BY THE 3RD
RESPONDENT ENDORSING THE FACTUM OF COMPOUNDING
OF THE ABOVE SAID OFFENCES AND THE SETTLEMENT OF
DISPUTES BETWEEN THE PARTIES.**

**ANNEXURE AIV(B)- A TRUE COPY OF THE AFFIDAVIT SWORN TO BY THE 4TH
RESPONDENT ENDORSING THE FACTUM OF COMPOUNDING
TO THE ABOVE SAID OFFENCES AND THE SETTLEMENT OF
DISPUTES BETWEEN THE PARTIES.**

RESPONDENTS ANNEXURES : NIL

/TRUE COPY/

P.A.TO JUDGE

vmr

P. UBAID, J.

Crl.M.C.No.2055 of 2015

Dated this the 30th day of March, 2015

O R D E R

The petitioners herein are the accused in C.C.No.241/2014 of the Judicial First Class Magistrate Court, Payyannur. 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 452 read with 149 IPC on the complaint of one Shakkir Hussain, 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. The other persons who sustained injuries in the alleged incident are the respondents Nos. 3 and 4 in this proceeding. They have also filed affidavit to the effect that they have settled the whole dispute with the accused and they have 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.241/2014 of the Judicial First Class Magistrate Court, Payyannur 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

sd