

**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**

**CrI.MC.No. 2077 of 2015 ()**

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SC 2087/2013 of SUB COURT, NEYYATTINKARA  
CRIME NO. 1210/2011 OF PARASSALA POLICE STATION , THIRUVANANDAPURAM  
DISTRICT  
=====**

**PETITIONER/ACCUSED:**

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**JALALUDHEEN @ SALEEM, AGED 49 YEARS  
S/O.SHAHUL HAMEED, SHAJI MANZIL  
NEAR PARASSALA RAILWAY QUARTERS, MURIYANKARA DESOM  
PARASSALA VILLAGE, THIRUVANANTHAPURAM.**

**BY ADV. SRI.SHAJIN S.HAMEED**

**RESPONDENTS/STATE & CW1:**

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- 1. STATE OF KERALA  
REPRESENTED BY SUB INSPECTOR OF POLICE  
PARASSALA POLICE STATION  
REPRESENTED BY THE PUBLIC PROSECUTOR  
HIGH COURT OF KERALA, ERNAKULAM KOCHI 682 031.**
- 2. NISAMUDHEEN, AGED 27 YEARS  
S/O.MAHEEN KANNU, SHAFEEK MANZIL, NEAR T.B JUNCTION  
MARUTHOOR DESOM, NEYYATTINKARA VILLAGE  
THIRUVANANTHAPURAM 695 121.**

**R2 BY ADV. SRI.A.K.RAJESH  
R1 BY Sr. PUBLIC PROSECUTOR SMT. SAREENA GEORGE P.**

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

**Crl.MC.No. 2077 of 2015 ()**

**APPENDIX**

**PETITIONER'S EXHIBITS**  
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**ANNEXURE A. COPY OF THE FINAL REPORT IN CRIME NO.1210/2011 OF PARASSALA  
POLICE STATION.**

**ANNEXURE B. COPY OF THE AFFIDAVIT EXECUTED BY THE 2ND RESPONDENT/CW1.**

**RESPONDENTS' EXHIBITS**  
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**NIL**

**// TRUE COPY //      P.A. TO JUDGE**

**SD**

P. UBAID, J.

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Crl.M.C.No.2077 of 2015  
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Dated this the 30<sup>th</sup> day of March, 2015

O R D E R

The petitioner herein is the accused in S.C.No.2087/2013 of the Assistant Sessions Court, Neyyattinkara. 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 308 and 427 IPC on the complaint of one Nisamudheen, who is the 2<sup>nd</sup> 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. On a perusal of the FIR and final report, I find nothing for a prosecution under Section 308 IPC. Such section was incorporated by the police on the basis of some purely hypothetical statement. Any way, the parties have come to terms amicably out of court.

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 petitioner herein in S.C.No.2087/2013 of the Assistant Sessions Court, Neyyattinkara 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

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