

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 31ST DAY OF MARCH 2015/10TH CHAITHRA, 1937

Crl.MC.No. 2104 of 2015 ()

AGAINST CC 209/2012 of J.M.F.C.,NILAMBUR
CRIME NO. 804/2011 OF NILAMBUR POLICE STATION , MALAPPURAM

PETITIONER(S)/ACCUSED :

1. SHABEEB RAHMAN AGED 23 YEARS
S/O. AHAMMEDKUTTY, POOLAKULANGARA HOUSE, CHANDAKKUNNU
NILAMBUR RS P.O., MALAPPURAM DISTRICT.
2. SHAJAHAN AGED 25 YEARS
S/O. HAMZA, KOTTAYIL HOUSE, MUTHEERI
CHANDAKKUNNU, NILAMBUR RS P.O., MALAPPURAM DISTRICT.

BY ADVS.SRI.P.SAMSUDIN
SRI.M.S.MOHAMMED ANSARY

RESPONDENT(S)/STATE, DE-FACTO COMPLAINANT AND VICTIM :

1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682 031.
2. SAJEEV , AGED 23 YEARS
S/O. VASU, MANAPPADAN HOUSE, SANTHI NAGAR P.O.
VANIYAMBALAM, NILAMBUR TALUK
MALAPPURAM DISTRICT-679 324.
3. MUBASHIR , AGED 23 YEARS
S/O. KUNJIMOHAMMD, KONDOTTYPARAMBAN HOUSE
SANTHI NAGAR, P.O.-679 324, VANIYAMBALAM
NILAMBUR TALUK, MALAPPURAM DISTRICT.

R2-3 BY ADV. SRI.JITHIN LUKOSE
R1 BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE.P

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
31-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Crl.MC.No. 2104 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE A1 : COPY OF THE CHARGE SHEET IN CRIME NO.804/2011 OF
NILAMBUR POLICE STATION.

ANNEXURE A2 : COPY OF THE MEMORANDUM OF EVIDENCE AND WOUND
CERTIFICATE IN CRIME NO.804/2011 OF NILAMBUR POLICE STATION.

ANNEXURE A3 : COPY OF THE AFFIDAVIT SWORN IN BY RESPONDENTS 2 AND 3.

RESPONDENT(S)' EXHIBITS

/TRUE COPY/

P.S TO JUDGE

P.UBAID, J.
~~~~~  
**Crl.M.C No.2104 of 2015**  
~~~~~  
Dated this the 31st March, 2015

ORDER

The petitioners herein are the two accused in C.C No.209 of 2012 of the Judicial First Class Magistrate's Court, Nilambur. 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 341, 323 and 326 read with 34 of Indian Penal Code on the complaint of one Sajeev, 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 person who sustained injuries in the alleged incident is the 3rd respondent in this proceeding. He has also filed affidavit to the effect that he has settled the whole dispute with the accused and he has 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.209 of 2012 of the Judicial First Class Magistrate's Court, Nilambur 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**

ma

/True copy/

P.S to Judge