

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 1ST DAY OF APRIL 2015/11TH CHAITHRA, 1937

Crl.MC.No. 2155 of 2015 ()

**IN CC 1067/2012 of J.M.F.C.-I,NEDUMANGAD
CRIME NO. 261/2012 OF ARYANAD POLICE STATION , THIRUVANANTHAPURAM**

PETITIONER(S)/PETITIONERS/ACCUSED A1 T A3:

- 1. SHAJAHAN AGED 33 YEARS
S/O ABDUL WAHEED, LAILA MANZIL, ANDOORKONAM
THIRUVANANTHAPURAM.**
- 2. SANALKUMAR AGED 34 YEARS
S/O MADHAVA PANICKER, MS BHAVAN, POTTANCHRA
ARAYANAD, THIRUVANANTHAPURAM.**
- 3. RIJU @ SHYAM AGED 32 YEARS
SHYAM NIVAS, SHANTHIPURAM, ATHIYANOOR VILLAGE
VELLANAD, THIRUVANANTHAPURAM.**
- 4. ANIL KUMAR AGED 42 YEARS
S/O BHASKARAPILLAI, PENAKAVILLA, KOTTAACKAM
ARYANAD, THIRUVANANTHAPURAM.**

**BY ADVS.SRI.SUMAN CHAKRAVARTHY
SRI.SANDEEP T.GEORGE**

RESPONDENT(S)/RESPONDENT/STATE, DEFACTO COMPLAINANT:

- 1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682031.**
- 2. AYOOB KHAN
S/O ABDUL RASHEED, AS BUILDING, PARANDODU
ARYANADU, THIRUVANANTHAPURAM-695001.**

**R2 BY ADV. SRI.ASHOK SURESH
R1 BY PUBLIC PROSECUTOR SMT. SAREENA GEORGE. P.**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 01-04-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Crl.MC.No. 2155 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE A: PHOTO COPY OF THE FINAL REPORT IN CRIME NO.261/13 OF
ARYANAD POLICE STATION, THIRUVANANTHAPURAM.**

**ANNEXURE B: ORIGINAL AFFIDAVIT EXECUTED BY THE 2ND RESPONDNET DATED
31.1.2015.**

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

PATO JUDGE
sab

P.UBAID, J.

Crl. M.C No.2155 of 2015

Dated this the 1st day of April, 2015.

O R D E R

The petitioners herein are the four accused in C.C No.1067 of 2012 of the Judicial First Class Magistrate Court-I, Nedumangad. 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 365, 342, 323, 384 r/w 120(b) of IPC on the complaint of one Ayoob Khan 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 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.1067 of 2012 of the Judicial First Class Magistrate Court-I, Nedumangad will stand quashed under Section 482 of the Code of Criminal Procedure. Accordingly, the petitioners will stand released from prosecution.

Sd/-

P.UBAID,
JUDGE