

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

Cr1.MC.No. 2165 of 2015 ()

AGAINST THE ORDER/JUDGMENT IN CC 1253/2013 of J.M.F.C.,NADAPURAM
CRIME NO. 201/2013 OF VALAYAM POLICE STATION, KOZHIKODE

PETITIONERS/ACCUSED NO.1 TO 14:

1. LATHEEF MASTER AGED 35 YEARS
S/O.KUTIALI, PONNANDIYIL HOUSE, CHEKKIAD AMSOM
UMMATHUR DESOM, VADAKARA TALUK, KOZHIKODE-673 101.
2. RASHEED AGED 40 YEARS
S/O.ABDULLA, THAIKKANDI HOUSE, CHEKKIAD AMSOM
UMMATHUR DESOM, VADAKARA TALUK, KOZHIKODE-673 101.
3. NAVAS AGED 35 YEARS
S/O.ABDULLA, THAIKKANDI HOUSE, CHEKKIAD AMSOM
UMMATHUR DESOM, VADAKARA TALUK, KOZHIKODE-673 101.
4. ABDULLA AGED 45 YEARS
OTTILAYIL HOUSE, S/O.ABDULLA, THAIKKANDI HOUSE
CHEKKIAD AMSOM, UMMATHUR DESOM, VADAKARA TALUK
KOZHIKODE-673 101.
5. MAHAMOOD AGED 36 YEARS
MADATHIL HOUSE, S/O.ABDULLA, THAIKKANDI HOUSE
CHEKKIAD AMSOM, UMMATHUR DESOM, VADAKARA TALUK
KOZHIKODE-673 101.
6. ABDO RAHMAN AGED 38 YEARS
S/O.MAYAN, KANHAI HOUSE, CHEKKIAD AMSOM
UMMATHUR DESOM, VADAKARA TALUK, KOZHIKODE-673 101.
7. HAMEED MASTER AGED 34 YEARS
S/O.HASSAN KUTTY, CHELLAPPURATH HOUSE, CHEKKIAD AMSOM
UMMATHUR DESOM, VADAKARA TALUK, KOZHIKODE-673 101.
8. HAMEED MASTER AGED 35 YEARS
S/O.MOIDU, PUTHIYA PARAMBATHU HOUSE, CHEKKIAD AMSOM
UMMATHUR DESOM, VADAKARA TALUK, KOZHIKODE-673 101.
9. ISMAIL AGED 36 YEARS
S/O.MOIDU, PONNANDIYIL HOUSE, CHEKKIAD AMSOM
UMMATHUR DESOM, VADAKARA TALUK, KOZHIKODE-673 101.
10. ASHRAF MASTER AGED 42 YEARS
S/O.ABDULLA HAJI, PATHIYAYEENTAVIDDA, CHEKKIAD AMSOM
UMMATHUR DESOM, VADAKARA TALUK, KOZHIKODE-673 101.
11. MAHAMOOD AGED 47 YEARS
S/O.ABDULLA, THAIKKANDIYILOD, CHEKKIAD AMSOM
UMMATHUR DESOM, VADAKARA TALUK, KOZHIKODE-673 101.

12. THAJUDDIN AGED 23 YEARS
S/O.AMMAD, PONNANDIYIL, CHEKKIAD AMSOM
UMMATHUR DESOM, VADAKARA TALUK, KOZHIKODE-673 101.

13. RAHEES AGED 22 YEARS
S/O.ISMAIL, PONNANDIYIL HOUSE, CHEKKIAD AMSOM
UMMATHUR DESOM, VADAKARA TALUK, KOZHIKODE-673 101.

14. MUSTHAFA AGED 21 YEARS
S/O.ISMAIL, POOVAN MADATHIL, CHEKKIAD AMSOM
UMMATHUR DESOM, VADAKARA TALUK, KOZHIKODE-673 101.

BY ADV. SRI.M.G.SREEJITH

RESPONDENTS/DEFACTO COMPLAINANT/STATE:

1. STATE OF KERALA
REPRESENTED BY THE SUB INSPECTOR OF POLICE
VALAYAM POLICE STATION THROUGH THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA-682 031.

2. NAZAR, AGED 34 YEARS
S/O.AMMED, KOYAMBRATH HOUSE, P.O.PARAKADAVU
UMMATHUR AMSOM AND DESOM, VATAKARA TALUK
KOZHIKODE DISTRICT-673 101.

3. SAKKARIAH, AGED 19 YEARS
S/O.ABDULLA, PEETTAKANDIYIL VEEDU, P.O.PARAKADAVU
UMMATHUR AMSOM AND DESOM, VATAKARA TALUK
KOZHIKODE DISTRICT-673 101.

4. MANSOOR, AGED 22 YEARS
S/O.MOOSA, CHATHANKANDIYIL HOUSE, P.O.PARAKADAVU
UMMATHUR AMSOM AND DESOM, VATAKARA TALUK
KOZHIKODE DISTRICT-673 101.

5. MUHAMMAD FASAL, AGED 20 YEARS
S/O.MOOSA, CHATHANKANDIYIL HOUSE, P.O.PARAKADAVU
UMMATHUR AMSOM AND DESOM, VATAKARA TALUK
KOZHIKODE DISTRICT-673 101.

6. MUHAMMAD, AGED 22 YEARS
S/O.HASSAN KOYA, PALLIYIL HOUSE, CHATHANKANDIYIL HOUSE
P.O.PARAKADAVU, UMMATHUR AMSOM AND DESOM
VATAKARA TALUK, KOZHIKODE DISTRICT-673 101.

SMT.SAREENA GEORGE.P.,PUBLIC PROSECUTOR
R2-6 BY ADV. SRI.ABDUL JALEEL ONATH

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

RKC

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APPENDIX

PETITIONERS' EXHIBITS

ANNEXURE A1- TRUE COPY OF CHARGE SHEET IN CRIME NO.201/2013 NOW IN THE FILE OF JUDICIAL FIRST CLASS MAGISTRATE COURT, NADAPURAM IN C.C.NO.1253/2013.

ANNEUXRE A2(A) TO ANNEXURE A2(E)- THE AFFIDAVIT FILED BY RESPONDENTS 2 TO 6 DATED 27.01.2015.

RESPONDENTS' EXHIBITS

RKC

TRUE COPY

PA TO JUDGE

P.UBAID, J.

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Dated this the 1st day of April, 2015

ORDER

The petitioners herein are the accused in C.C No.1253/2013 of the Judicial First Class Magistrate Court, Nadapuram. 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, 148, 323, 324, 149 on the complaint of one Nazar, S/o.Ammed 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 respondent Nos.3 to 6 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

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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.1253/2013 of the Judicial First Class Magistrate Court, Nadapuram will stand quashed under Section 482 of the Code of Criminal Procedure.

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Accordingly, the petitioners will stand released from prosecution and the bail bond, if any, executed by them will stand discharged.

Sd/-
P.UBAID,
JUDGE.

rkc.