

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. 2167 of 2015

C.C.NO.119/2015 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, MANNARKAD

CRIME NO. 683/2012 OF NATTUKAL POLICE STATION , PALAKKAD

PETITIONER(S)/ACCUSED :

1. SEBIR @ MOHAMMED, AGED 22 YEARS,
S/O.ABOOBACKER, KOORI HOUSE, KARINGALLATHANI,
MALAPPURAM DISTRICT.
2. SALI, AGED 25 YEARS,
S/O.HAMSA, KOLAKKADAN HOUSE, P.O.THAZHEKODE,
MALAPPURAM DISTRICT.
3. MUHAMMED @ SHAFI, AGED 24 YEARS,
S/O.MOHAMMED ALI, PONNETH HOUSE, KARINGALLATHANI,
THAZHEKODE, MALAPPURAM DISTRICT.
4. AMIR ALI, AGED 23 YEARS,
S/O.HAMZA, KOLKKATTIL HOUSE, POOVATHANI,
MALAPPURAM DISTRICT.
5. ANASIR, AGED 22 YEARS,
S/O.KHALID, CHALAPARAMBIL HOUSE, THAZHEKKODE,
MALAPPURAM DISTRICT.
6. MUHAMMED @ ALTHAF, AGED 24 YEARS,
S/O.ABOOBACKER, KAVUMPURAM HOUSE, KARINKALLATHANI,
THAZHEKKODE, MALAPPURAM DISTRICT.
7. SHUKKUR, AGED 26 YEARS,
S/O.MUHAMMED, POTHENGAL HOUSE, THAZHEKKODE,
MALAPPURAM DISTRICT.
8. FIROZ BABU, AGED 24 YEARS,
S/O.ABUTTY, PODIYIL THOTTIPPARAMB VEEDU,
CHETHALLOOR P.O., MANNARKKAD.

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9. HANEEFA, AGED 22 YEARS,
S/O.FATHIMA @ KOCHAN, KOORI HOUSE,
THAZHEKKODE P.O, MALAPPURAM.
10. MUBARISH HADISH, AGED 25 YEARS,
KUTHUKALLAN HOUSE, CHETHALLOR, MANNARKKAD.
11. ABU @ ABUTHAHIR, AGED 23 YEARS,
S/O.BASHEER, PARAKKOTTIL HOUSE, KARINKALLATHANI,
THAZHEKKODE, MALAPPURAM.

BY ADV. SRI.C.M.KAMMAPPU

RESPONDENT(S)/STATE & DEFACTO COMPLAINANT/INJURED :

1. STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM - 682 031 (THROUGH STATION HOUSE OFFICER,
NATTUKAL POLICE STATION, PALAKKAD DISTRICT).
2. USMAN, AGED 36 YEARS,
S/O.MUHAMMED, KALAMPARAMBIL HOUSE, NATTUKAL,
MANNARKKAD - 679 126.

R1 BY SR.PUBLIC PROSECUTOR SMT.SAREENA GEORGE.P
R2 BY ADV. SRI.MANSOOR.B.H.

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

Msd.

APPENDIX

PETITIONER(S)' ANNEXURES :

**ANNEXURE-A: TRUE COPY OF FINAL REPORT IN CRIME NO.683/2012 OF
NATTUKAL POLICE STATION.**

RESPONDENT(S)' ANNEXURES :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

P.UBAID, J.

Crl.M.C.No.2167 of 2015

Dated this the 1st day of April, 2015

ORDER

The petitioners herein are the accused in C.C No.119/2015 of the Judicial First Class Magistrate Court, Mannarkkad. 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, 452, 427, 506(ii) r/w149 IPC on the complaint of one Usman 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. 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

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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.119/2015 of the Judicial First Class Magistrate Court, Mannarkkad 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.

rkc.