

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. 2179 of 2015 ()

C.C.NO.1279/2013 OF JFCM COURT, NADAPURAM
CRIME NO. 264/2013 OF VALAYAM POLICE STATION , KOZHIKODE

PETITIONER(S)/ACCUSED NOS. 1 TO 7:

1. TASRIFF AGED 25 YEARS
S/O.AMMAD, KARYADUMKUNNUMMEL UMMATHUR AMSOM
AND DESOM VATAKARA TALUK, KOZHIKODE - 673 101.
2. NISAR AGED 33 YEARS
S/O.MOIDU, PALIYAPARAKKAL, UMMATHUR AMSOM AND DESOM
VATAKARA TALUK, KOZHIKODE - 673 101.
3. SIDDIQ AGED 24 YEARS
S/O.AHAMAD, PUVAMMATATHIL, UMMATHUR AMSOM AND DESOM
VATAKARA TALUK, KOZHIKODE - 673 101.
4. UNUSS AGED 19 YEARS
S/O.ABDU RAHMAN, MEKKARENDAVID
UMMATHUR AMSOM AND DESOM, VATAKARA TALUK
KOZHIKODE - 673 101.
5. ANSAR AGED 24 YEARS
S/O.ABOOBACKER, KAITHERIVEETIL
UMMATHUR AMSOM AND DESOM, VATAKARA TALUK
KOZHIKODE - 673 101.
6. MUHAMMED AGED 24 YEARS
S/O.ABDU RAHMAN, POOVANMADATHI
UMMATHUR AMSOM AND DESOM, VATAKARA TALUK
KOZHIKODE - 673 101.
7. HAMSA AGED 25 YEARS
S/O.KUNHABDULLA, VAYALARAM VEETIL
UMMATHUR AMSOM AND DESOM, VATAKARA TALUK
KOZHIKODE - 673 101.

BY ADV. SRI.M.G.SREEJITH

RESPONDENT(S)/STATE/DEFACTO COMPLAINANT:

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. HASHIF, AGED 25 YEARS
S/O.SOOPPY, THODUVAYIL HOUSE
P.O.PARAKADAVU UMMAL HUR AMSOM AND DESOM
VATAKARA TALUK, KOZHIKODE - 673 101.
- SMT.SAREENA GEORGE.P, PUBLIC PROSECUTOR
R2 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 THE CHARGE SHEET IN CRIME NO.264/2013 NOW
IN THE FILE OF JUDICIAL FIRST CLASS MAGISTRATE COURT, NADAPURAM IN
C.C.NO.1279/2013.

ANNEXURE-A2: AFFIDAVIT FILED BY 2ND RESPONDENT DATED 27.1.2015

RESPONDENTS' EXHIBITS: NIL

RKC

TRUE COPY

PA TO JUDGE

P.UBAID, J.

Crl.M.C.No.2179 of 2015

Dated this the 1st day of April, 2015

ORDER

The petitioners herein are the accused Nos. 1 to 7 in C.C No.1279/2013 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, 341, 323, 506(ii), 294 (b), 427, 149 on the complaint of one Hashif, S/o. Soopy 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

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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.1279/2013 of the Judicial First Class Magistrate Court, Nadapuram 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.