

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 7TH DAY OF APRIL 2015/17TH CHAITHRA, 1937

Crl.MC.No. 2253 of 2015

IN L.P.C NO.32/2006 OF THE CHIEF JUDICIAL MAGISTRATE COURT,
KASARAGOD
CRIME NO. 334/2002 OF KASARAGOD POLICE STATION , KASARGOD

PETITIONER:

SHAFI, AGED 46 YEARS,
S/O.MOIDEEN HAJI,
KUNNIL HOUSE,
MOGRAL PUTHUR (V) ,
KASARAGOD

BY ADV. SRI.T.B.SHAJIMON

RESPONDENTS/COMPLAINANT/STATE:

1. P.M.MUNEER, AGED 44 YEARS,
S/O.K.MAHEEN HAJI,
KAMBAR HOUSE,
MOGRAL PUTHUR (V) ,
KASARAGOD.
2. STATE OF KERALA, REP. BY
THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM.

R1 BY ADV. SRI.LOHITHAKSHAN CHATHADI KANNOTH
R2 BY SR.PUBLIC PROSECUTOR SMT.SAREENA GEORGE.P

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 07-04-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Cr1.MC.No. 2253 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE A1: COPY OF THE FINAL REPORT

ANNEXURE A2: COPY OF THE ORDER IN C.C NO.237/2002 DATED 7.12.2005

ANNEXURE A3: COPY OF THE ORDER IN C.C NO.650/2006 DATED 5.3.2007

ANNEXURE A4: COPY OF THE ORDER IN C.C NO.214/2007 DATED 11.6.2007

RESPONDENTS; ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.2253 of 2015

Dated this the 7th day of April, 2015

O R D E R

The petitioner herein is the original 3rd accused in C.C No.237/2002 of the Chief Judicial Magistrate Court, Kasaragod. The defacto complainant, who initiated the prosecution on complaint, is one Muneer. The offence involved in the case is under Sections 143, 147, 148, 341, 323, 324 and 326 r/w 149 of the Indian Penal Code. The original accused Nos.1, 5 and 6 faced trial before the learned Magistrate in C.C No.237/2002 and obtained a judgment of acquittal on merits on 7.12.2005. The case against accused Nos.2 to 4 was split up and refiled as C.C No.870/2005 when they remained consistently absent during the trial process. Later the original accused No.2 faced trial in C.C No.650/2006 before the learned Magistrate, and he also obtained judgment of acquittal on 5.3.2007. The original accused No.4 thereafter faced trial in C.C No.214/2007 and obtained a judgment of acquittal on 11.6.2007. The case against the petitioner herein was again split up and refiled, and

it now stands transferred to the register of long pending cases as L.P.C No.32/2006. He now seek orders quashing the prosecution as against him on the ground of amicable settlement of the whole dispute between him and the defacto complainant Muneer. The defacto complainant 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 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 petitioner herein in L.P.C No.32/2006 of the Chief Judicial Magistrate Court, Kasaragod will stand quashed under Section 482 of the Code of Criminal Procedure.

**P.UBAID
JUDGE**

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