

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.UBAID

WEDNESDAY, THE 8TH DAY OF APRIL 2015/18TH CHAITHRA, 1937

Crl.MC.No.2281 of 2015

CC NO.505/2011 OF THE JUDICIAL 1ST CLASS MAGISTRATE COURT-I,VARKALA.

PETITIONERS/A1 TO A4:

1. **SHAMNAD,AGED 29 YEARS,S/O.SHAMSUDHEEN,
K.V.HOUSE,BACK OF OVERSEAS BANK,
MANANAKKU DESOM,KEEZHATTINGAL VILLAGE,
THIRUVANANTHAPURAM.**
2. **SHAJI,AGED 47 YEARS,S/O.MUHAMMED KASIM,
CHARUVILA VEEDU,NEAR PERUMKULAM POST OFFICE,
MANAMBOOR VILLAGE,THIRUVANANTHAPURAM.**
3. **SUDHEER,AGED 36 YEARS,S/O.MUSTAFA,
K.V.HOUSE,BACK OF OVERSEAS BANK,
KEEZHATTINGAL VILLAGE,KEEZHATTINGAL DESOM,
THIRUVANANTHAPURAM.**
4. **NISHAD,AGED 36 YEARS,S/O.ABDUL WAHAB,
K.V.HOUSE,BACK OF OVERSEAS BANK,
MANANAKKU DESOM,KEEZHATTINGAL VILLAGE,
THIRUVANANTHAPURAM.**

BY ADV.SRI.SHAJIN S.HAMEED

RESPONDENTS/STATE AND CW1:

1. **STATE OF KERALA,
REPRESENTED BY THE SUB INSPECTOR OF POLICE,
KADAKKAVOOR POLICE STATION,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,ERNAKULAM.**
2. **SHIJU @ KAPEESH,S/O.SARAFUDEEN,
KATTUVILA VEEDU,MANANAKKU DESOM,
MANAMBOOR VILLAGE,THIRUVANANTHAPURAM,PIN:695 611.**

**R1 BY SENIOR PUBLIC PROSECUTOR SMT.SAREENA GEORGE.P
R2 BY ADV.SRI.A.K.RAJESH.**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 08-04-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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CrI.MC.No.2281 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

**ANNEXURE A: CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO.256/2011
OF KADAKKAVOOR POLICE STATION, PENDING AS
C.C.NO.505/2011 ON THE FILE OF THE JUDICIAL 1ST CLASS
MAGISTRATE COURT-I, VARKALA.**

ANNEXURE B: AFFIDAVIT EXECUTED BY THE 2ND RESPONDENT/CW1

RESPONDENT'S ANNEXURES:

NIL

//TRUE COPY//

P.S. TO JUDGE

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P. UBAID, J.

Crl.M.C.No.2281 of 2015

Dated this the 8th day of April, 2015

O R D E R

The petitioners herein are the four accused in C.C.No.505/2011 of the Judicial First Class Magistrate Court-I, Varkala. 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 323, 324 and 34 IPC, on the complaint of one Shiju, 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 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 petitioners herein in C.C.No.505/2011 of the Judicial First Class Magistrate Court-I, Varkala 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

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