

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.2284 of 2015

**CC NO.420/2014 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT.-II,
ATTINGAL.**

PETITIONERS/A1 TO A3:

1. **ANSHAD,AGED 20 YEARS,S/O.ABDUL RASHEED,
CHIRAVILAKATHU VEEDU,THRIJYOTHIPURAM WARD,
KAZHAKUTTOM VILLAGE,THIRUVANANTHAPURAM.**
2. **ARSHAD,AGED 22 YEARS,S/O.ABDUL RASHEED,
CHIRAVILAKATHU VEEDU,AMBALLOOR,
THRIJYOTHIPURAM WARD,KAZHAKUTTOM VILLAGE,
THIRUVANANTHAPURAM.**
3. **NISHAD,AGED 31 YEARS,S/O.ABDUL WAHAB,
AMBALLOOR PANAYIL VEEDU,
ANDOORKONAM DESOM,KAZHAKUTTOM VILLAGE,
THIRUVANANTHAPURAM.**

BY ADV.SRI.SHAJIN S.HAMEED

RESPONDENTS/STATE & CW1:

1. **STATE OF KERALA,
REPRESENTED BY THE SUB INSPECTOR OF POLICE,
MANGALAPURAM POLICE STATION,
REPRESENTED THROUGH THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA,ERNAKULAM.**
2. **ANSIL,S/O.FASIL,AFSAL NIVAS,NEAR ANOOR MUSLIM MOSQUE,
PALLICHA VEEDU MURIYIL,PALLIPPURAM VILLAGE,
THIRUVANANTHAPURAM,PIN-695 316.**

**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:**

Crl.MC.No.2284 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

**ANNEXURE A: CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO 962/2013
OF MANGALAPURAM POLICE STATION, PENDING AS C.C..
NO.420/2014 ON THE FILE OF THE JUDICIAL 1ST CLASS
MAGISTRATE COURT-II, ATTINGAL.**

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

RESPONDENT'S ANNEXURES: **NIL**

//TRUE COPY//

P.S. TO JUDGE

pk

P. UBAID, J.

Crl.M.C.No.2284 of 2015

Dated this the 8th day of April, 2015

O R D E R

The petitioners herein are the three accused in C.C.No.420/2014 of the Judicial First Class Magistrate Court-II, Attingal. 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 324, 341, 427, 447, 294(b), 506(ii) and 34 IPC, on the complaint of one Ansil, 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 further 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.420/2014 of the Judicial First Class Magistrate Court-II, Attingal 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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