

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 10TH DAY OF APRIL 2015/20TH CHAITHRA, 1937

CrI.MC.No. 2458 of 2015 ()

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AGAINST CC 1160/2013 of J.M.F.C.-II, PERINTHALMANNA  
CRIME NO. 147/2010 OF KOLATHUR POLICE STATION , MALAPPURAM

PETITIONER(S):

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1. SHAJI AGED 30 YEARS,  
S/O.SAITHALIKUTTY, AGED 30 YEARS,  
KALAPPATTIL HOUSE,  
VALANCHERRY P.O,  
KULAMANGALAM,  
MALAPPURAM DISTRICT.
2. SHABEER, AGED 28 YEARS,  
S/O.ALAVI,  
KALATHUMPURAKKAL HOUSE,  
EDAYOOR P.O,  
VALANCHERRY,  
MALAPPURAM DISTRICT.

BY ADV. SRI.SANTHEEP ANKARATH

RESPONDENT(S)/STATE & COMPLAINANT:

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1. THE STATE OF KERALA  
REPRESENTED BY PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, ERNAKULAM,  
REPRESENTING SUB INSPECTOR OF POLICE,  
VALANCHERRY – 676 552,  
MALAPPURAM DISTRICT.
2. SYED MUHAMMED,  
AGED 34 YEARS,  
S/O.BEERAN KUTTY,  
NAMBARATH, IRIMBILIYAM P.O,  
KOTTAPPURAM, TIRUR TALUK,  
MALAPPURAM DISTRICT,  
PIN – 679 572.

R2 BY ADV. SRI.Y.JAFAR KHAN

R1 BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE.P

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 10-04-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Crl.MC.No. 2458 of 2015

APPENDIX

PETITIONERS EXHIBITS:

ANNEXURE A1: TRUE COPY OF THE FIRST INFORMATION REPORT DATED  
29.5.2010 IN CRIME NO.147/2010 OF KOLATHUR POLICE STATION

ANNEXURE A2: TRUE COPY OF FINAL REPORT DATED 15.6.2010 IN CRIME  
NO.147/2010 OF KOLATHUR POLICE STATION

ANNEXURE A3: AFFIDAVIT DATED 3.12.2014 EXECUTED BY THE 2ND  
RESPONDENT

RESPONDENTS EXHIBITS:

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/TRUE COPY/

P.S TO JUDGE

**P.UBAID, J.**  
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**Crl.M.C No.2458 of 2015**  
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**Dated this the 10<sup>th</sup> April, 2015**

**ORDER**

The petitioners herein are the two accused in C.C No.1160 of 2013 of the Judicial First Class Magistrate's Court-II, Perinthalmanna. 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 341, 323, 324 and 506 (1) read with Section 34 of Indian Penal Code on the complaint of one Syed Muammed who is the 2<sup>nd</sup> 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 1160 of 2013 of the Judicial First Class Magistrate's Court-II, Perinthalmanna 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**

ma                      /True copy/      P.S to Judge