

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 5TH DAY OF MAY 2015/15TH VAISAKHA, 1937

Crl.MC.No. 2638 of 2015

**CC 1440/2012 OF JUDICIAL FIRST CLASS MAGISTRATE COURT- I, HOSDRUG
CRIME NO. 664/2012 OF HOSDURG POLICE STATION , KASARGOD**

PETITIONER(S)/ACCUSED:

**C.K. MEHBOOB, AGED 45 YEARS,
S/O.HYDER, AYISHA MANZIL, THERUVATH
LAKSHMI NAGAR, HOSDURG VILLAGE, HOSDURG TALUK,
KASARAGOD DISTRICT.**

BY ADV. SRI.K.P.HARISH

RESPONDENT(S)/STATE OF KERALA & DEFACTO COMPLAINANT (CW1):

**1. STATE OF KERALA,
THROUGH STATION HOUSE OFFICER,
HOSDURG POLICE STATION,
(CRIME NO.664/2012) REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

**2. DAINABI P., AGED 37 YEARS,
W/O.HAMEED ACHU, R/AT AYSHA MANZIL,
LAKSHMI NAGAR, P.O.KANHANGAD, HOSDURG VILLAGE
HOSDURG TALUK, KASARAGOD DISTRICT 671 315.**

**R2 BY ADV. SRI.M.T.SURESHKUMAR
R1 BY PUBLIC PROSECUTOR SRI.K.K.SAIDALAVI**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 05-05-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

APPENDIX

PETITIONER(S)' ANNEXURES

- ANNX.A1 - TRUE COPY OF THE FIR AND FI STATEMENT DATED 18.07.2012 IN
CRIME NO.664 OF 2012 OF HOSDURG POLICE STATION**
- ANNX.A2 - TRUE COPY OF THE FINAL REPORT DATED 01.9.2012 IN CRIME
NO.664/2012 AS NUMBERED AS C.C.NO.1440/2012 ON THE FILE OF
JUDICIAL FIRST CLASS MAGISTRATE COURT-I HOSDURG.**
- ANNX.A3 - A TRUE COPY OF THE AFFIDAVIT DATED 07.04.2015 SIGNED BEFORE
AN ADVOCATE NOTARY BY THE CW1/RESPONDENT NO.2**

RESPONDENT(S)' ANNEXURES

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

P.UBAID, J.

Crl. M.C No.2638 of 2015

Dated this the 5th day of May, 2015.

O R D E R

The petitioner herein is the sole accused in C.C No.1440 of 2012 of the Judicial First Class Magistrate Court-I, Hosdurg. He seeks orders quashing the prosecution on the ground of amicable settlement of the whole dispute between him and the de facto complainant. Crime in this case was registered under Section 326 IPC on the complaint of one Dainabi who is the second respondent in this proceeding brought under Section 482 of the Code of Criminal Procedure. She has filed affidavit to the effect that she has settled the whole dispute with the accused, and she 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 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 C.C No.1440 of 2012 of the Judicial First Class Magistrate Court-I, Hosdurg will stand quashed under Section 482 of the Code of Criminal Procedure. Accordingly, the petitioner will stand released from prosecution, and the bail bond, if any, executed by him will stand discharged.

Sd/-

P.UBAID,
JUDGE