

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 15TH DAY OF MAY 2015/25TH VAISAKHA, 1937

Crl.MC.No. 2851 of 2015 ()

CC.NO. 867/2011 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, VADAKARA

PETITIONER(S)/ACCUSED NOS.1 TO 7.:

1. LININ KUMAR,S/O.NANU, AGED 31 YEARS,
OTHAYOTH THAZHAKUNI HOUSE, THIRUVALLUR,
THAMBAN MUKKU, VATAKARA TALUK.
2. RAGESH.T.V., S/O.KANNAN,AGED 35 YEARS,
THAROPPOYIL HOUSE, THARAMMAL MUKKU,
VATAKARA TALUK.
3. NIKHIL M.V., S/O.NANU, AGED 24 YEARS,
MALAYIL VALAPPIL HOUSE, THIRUVALLUR,
THARAMMAL MUKKU, VATAKARA TALUK.
4. NIDHIN.R.M., S/O.RAJAN, AGED 25 YEARS,
THAROPPOYIL HOUSE, THARAMMAL MUKKU,
THIRUVALLUR, VATAKARA TALUK.
5. JITHIN, S/O.RAJAN, AGED 24 YEARS,
THAROPPOYIL HOUSE, THARAMMAL MUKKU,
THIRUVALLUR, VATAKARA TALUK.
6. RAVI.T., S/O.KANNAN, AGED 40 YEARS,
THAROPPOYIL HOUSE, THARAMMAL MUKKU,
THIRUVALLUR, VATAKARA TALUK.
7. RAHUL, S/O.BALAN, AGED 26 YEARS,
MADATHIL HOUSE, THARAMMAL MUKKU,
THIRUVALLUR, VATAKARA TALUK.

**BY ADVS.SRI.ZUBAIR PULIKKOOL
SRI.P.S.BINU**

RESPONDENT(S)/COMPLAINANT:

1. SHUHAIB.M.K, S/O.ABDULLA,AGED 26 YEARS,
MANDOLAMKANDI HOUSE, THIRUVALLUR DESOM,
VATAKARA TALUK, KOZHIKODE DISTRICT, PIN- 673 101.

CRMC.NO.2851/2015

2. MUHAMMED NOUFAL, S/O.MOIDU, AGED 23 YEARS,
MANDOLAMKANDI HOUSE, THIRUVALLUR DESOM,
VATAKARA TALUK,KOZHIKODE DISTRICT, PIN- 673 101.

3. STATE OF KERALA,
REP BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,ERNAKULAM, PIN- 682 031.

R1 & R2 BY ADV. SMT.P.A.ANEESHA
R3 BY PUBLIC PROSECUTOR SRI.JUSTIN JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 15-05-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

sts

Crl.MC.No. 2851 of 2015 ()

APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEX-I: CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO.501/11 OF
VATAKARA POLICE STATION.**

ANNEX-II: TRUE COPY OF THE SWORN AFFIDAVIT OF 1ST RESPONDENT.

ANNEX-III: TRUE COPY OF THE SWORN AFFIDAVIT OF 2ND RESPONDENT.

RESPONDENT(S)' ANNEXURES:

NIL

/TRUE COPY/

P.A.TO JUDGE

sts

P.UBAID, J.

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**Crl.M.C No.2851 of 2015**

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Dated this the 15th day of May, 2015

ORDER

The petitioners herein are the seven accused in C.C No.867 of 2011 of the Judicial First Class Magistrate Court, Vatakara. 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 143, 147, 148, 341, 323 and 324 r/w Section 149 IPC on the complaint of one Shuhaib who is the 1st 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. The other person who sustained injuries in the alleged incident is the 2nd respondent in this proceeding. He has also filed affidavit to the effect that he has settled the whole dispute with the accused and he has no grievance or complaint now.

3. 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 further proceedings/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.867 of 2011 of the Judicial First Class Magistrate Court, Vatakara will stand quashed under Section 482 of the Code of Criminal Procedure. Accordingly, the petitioners will stand released from prosecution.

Sd/-

**P.UBAID
JUDGE**

vdv