

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.2856 of 2015

**CC NO.587/2014 OF THE CHIEF JUDICIAL MAGISTRATE COURT,KASARAGOD.
CRIME NO.547/2014 OF KASARAGOD POLICE STATION,KASARGOD.**

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PETITIONER'S/ACCUSED:

- 1. ABDUL HARIS,AGED 36 YEARS,S/O.ASSINAR,
R/AT H.NO.IX 305 DHALAYATHADUKKA,
BALAN NAGAR,MADHUR,KASARAGOD TALUK.**
- 2. SHAREEF.K,AGED 42 YEARS,S/O.ABBAAS,
R/AT M.A.KARTOISUM,ITI ROAD,
VIDIYANAGAR,KASARGOD.**
- 3. ISMAYIL,AGED 37 YEARS,S/O.UMMAR,
H.NO.III/253,KUTYMARIYA QUARTERS,
MAHI ESTATE MUTTATHORI,KASARAGOD.**
- 4. MUHAMMED KASIM,AGED 33 YEARS,
S/O.ABDULLA,H.NO.VI/353,MADHEENA QUARTERS,
MAHI ESTATE,ALAMPADY,KASARAGOD.**
- 5. MUHAMMED.K.M,AGED 31 YEARS,
S/O.ABDULLA,KANATHOOR HOUSE,
ALAMPADY,BALLA VILLAGE,KASARAGOD.**
- 6. RAFFEQ,AGED 29 YEARS,S/O.AMU,H.NO.VI 48,
ARIYAPADY,ALAMPADY,BANGALA VILLAGE,KASARAGOD.**

BY ADV.SRI.T.B.SHAJIMON

RESPONDENT'S/RESPONDENT'S/COMPLAINANT/STATE:

- 1. SHIVAPRASAD K.N,AGED 38 YEARS,
S/O.NARAYANAN,R/AT K.N.NIVAS,NR.LADIES HOSTAL,
ANANGOOR,KASARAGOD,KASARAGOD TALUK-673571.**
- 2. STATE OF KERALA,REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,ERNAKULAM-682031.**

**R1 BY ADV.SRI.LOHITHAKSHAN CHATHADI KANNOTH
R2 BY PUBLIC PROSECUTOR SRI.C.K.JAYAKUMAR.**

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

pk

Crl.MC.No.2856 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE A1:THE COPY OF THE FINAL REPORT.

ANNEXURE A2:THE AFFIDAVIT.

RESPONDENT'S ANNEXURES:

NIL

//TRUE COPY//

P.S. TO JUDGE

pk

P.UBAID, J.
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**Crl.M.C No.2856 of 2015**  
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Dated this the 15th day of May, 2015

ORDER

The petitioners herein are the six accused in C.C No.587 of 2014 of the Chief Judicial Magistrate Court, Kasaragod 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, 341, 323 and 326 r/w Section 149 of Indian Penal Code on the complaint of one Shivaprasad, 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. 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.587 of 2014 of the Chief Judicial Magistrate Court, Kasaragod 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**

vdv