

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 23RD DAY OF JULY 2015/1ST SRAVANA, 1937

Crl.MC.No. 3383 of 2015 (C)

CC 798/2014 OF JUDICIAL FIRST CLASS MAGISTRATE, MALAPPURAM

CRIME NO. 122/2010 OF VAZHAKKAD POLICE STATION , MALAPPURAM

PETITIONERS/ACCUSED :-

1. C.K.IMTHIYAS, S/O. MUHAMMED,
AGED 27 YEARS, CHAVAKALAYI KUNIMAL VEEDU,
MUNDUMUZH, VAZHAKKAD P.O., MALAPPURAM DISTRICT.
2. PARAMBATH KIZHIYIL ABDUL RASHEED @
HARIS BAVA, AGED 44 YEARS,
NEROTH VEEDU, MUNDUMUZH, VAZHAKKAD P.O.
MALAPPURAM DISTRICT.
3. PARAKUTHU RAFEEQUE, S/O. ABDUL AZEEZ,
AGED 28 YEARS, PARAKUTHU VEEDU, MUNDUMUZH,
VAZHAKKAD P.O., MALAPPURAM DISTRICT.
4. K.HARIS, S/O. AYAMMU, AGED 28 YEARS,
KALATHIL VEEDU, CHEEKKODE P.O.,
MALAPPURAM DISTRICT.

**BY ADVS.SRI.BABU S. NAIR
SRI.K.RAKESH**

RESPONDENTS/STATE, VICTIM & DEFACTO COMPLAINANT :-

1. THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, KOCHI-31
FOR THE SUB INSPECTOR OF POLICE,
VAZHAKKAD POLICE STATION, MALAPPURAM DISTRICT.
2. KOORKAMAPARATH BUSHARA,
D/O. AHAMMED KUTTY, AGED 35 YEARS,
KOORKAMAPARATH HOUSE,
KARUMARAKKADU P.O.,
MALAPPURAM DISTRICT, PIN-673 640.

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**3. AHAMMED KUTTY,
S/O. MOYIN, KOORKAMAPARATH HOUSE,
KARUMARAKKADU P.O.
MALAPPURAM DISTRICT, PIN-673640.**

**R1 BY SMT.V.H.JAMSINE, PUBLIC PROSECUTOR
R2 & R3 BY ADV. SMT.M.LISHA**

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 23-07-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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APPENDIX

PETITIONER(S)' ANNEXURES :-

**ANNEXURE A - TRUE COPY OF THE CHARGE IN CRIME NO. 122/2010 OF THE
VAZHAKKAD POLICE STATION.**

**ANNEXURE B - TRUE COPY OF THE AFFIDAVIT SWORN TO BY THE 2ND
RESPONDENT DATED, 5-5-2015.**

**ANNEXURE C - TRUE COPY OF THE AFFIDAVIT SWORN TO BY THE 3RD
RESPONDENT DATED, 5-5-2015.**

RESPONDENT(S)' ANNEXURES :- NIL

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//TRUE COPY//

P.A. TO JUDGE

P.UBAID, J.

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Crl.M.C.No.3383 of 2015

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Dated this the 23rd day of July, 2015

ORDER

The petitioners herein are the four accused in C.C.No.798 of 2014 of the Judicial First Class Magistrate Court, Malappuram. 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 Section 66E of the Information Technology Act on the complaint of one Koorkamaparath Bushara, who is the 2nd 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. The other person who sustained injuries in the alleged incident is the 3rd 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.

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 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.

3. The victim of offence appeared before me and submitted that she had not in fact actually identified the culprit, and that she happened to make a complaint on some misapprehension. She also submitted that the whole disputes stands amicably settled, and that she does not want to prosecute the matter.

In the result, this petition is allowed. The prosecution against the petitioners herein in C.C.No.798 of 2014 of the Judicial First Class Magistrate Court, Malappuram 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

rkj

//TRUE COPY//

P.A. TO JUDGE