

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

MONDAY, THE 20TH DAY OF JULY 2015/29TH ASHADHA, 1937

Cr1.MC.No. 4313 of 2015

IN C.C NO.860/2015 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT,
VADAKKANCHERRY

CRIME NO. 232/2015 OF WADAKKANCHERY POLICE STATION, THRISSUR

PETITIONERS:

1. SHAHEEM MAYAN, AGED 25 YEARS,
S/O.MAYAN, KARADATH VEETIL,
EDAKAZHIYOOR DESOM, EDAKAZHIYOOR VILLAGE,
THRISSUR DISTRICT.
2. SUHAIR, AGED 25 YEARS,
S/O.AHAMMED, PANIKKAVEETIL,
CHAVAKKAD DESOM & VILLAGE,
THRISSUR DISTRICT.
3. SHYAMIL, AGED 24 YEARS,
S/O.BASHEER, KARUPPAMVEETIL,
PUNNA DESOM, CHAVAKKAD,
THRISSUR DISTRICT
4. SHINAD, AGED 24 YEARS,
S/O.KUNJUMHAMMED, KALLUVALAPPIL HOUSE,
POOKALA ROAD, CHAVAKKAD DESOM,
THRISSUR DISTRICT.
5. ALI, AGED 26 YEARS,
S/O.ALAVI, KARIKKALAKATH HOUSE,
EDAKAZHIYOOR DESOM, THRISSUR DISTRICT.
6. AFSAL, AGED 26 YEARS,
S/O.YOUSAF, VALIYAKATH HOUSE,
EDAKAZHIYOOR DESOM & VILLAGE,
THRISSUR DISTRICT.
7. FAISAL, AGED 29 YEARS,
S/O.IBRAHIM, RAYAMMARAKKAR HOUSE,
PUNNA DESOM, CHAVAKKAD,
THRISSUR DISTRICT.

Cr1.MC.No. 4313 of 2015 : 2 :

8. SANEESH, AGED 29 YEARS,
S/O.VELAYUDHAN, THATTARUVEETIL,
THIPPALLOOR DESOM, KADANGODE,
THRISSUR DISTRICT.

BY ADVS.SRI.SANTHOSH P.PODUVAL
SMT.R.RAJITHA
SMT.VINAYA V.NAIR

RESPONDENTS:

1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM.
2. SHYAMINI, AGED 20 YEARS,
W/O.RANOOP, KORATTIKKATTIL VEETIL,
MUNDATHIKODE P.O, MUNDATHIKODE VILLAGE,
THRISSUR DISTRICT - 680 601.
3. RANOOP, AGED 29 YEARS,
S/O.PANKAJAKSHAN, KORATTIKKATTIL VEETIL,
MUNDATHIKODE P.O, MUNDATHIKODE VILLAGE,
THRISSUR DISTRICT - 680 601.

R2 & 3 BY ADV. SRI.M.REVIKRISHNAN
R1 BY PUBLIC PROSECUTOR SMT.V.H.JASMINE

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 20-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Cr1.MC.No. 4313 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE A: COPY OF THE FINAL REPORT IN CRIME NO.232/2015 OF
WADAKKANCHERRY POLICE STATION.

ANNEXURE B: AFFIDAVIT SWORN BY THE 2ND RESPONDENT.

ANNEXURE A: AFFIDAVIT SWORN BY THE 3RD RESPONDENT.

RESPONDENT'S ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

ab

P.UBAID, J.

Crl.M.C No.4313 of 2015

Dated this the 20th day of July, 2015

O R D E R

The petitioners herein are the eight accused in C.C No.860/2015 of the Judicial First Class Magistrate Court, Wadakkancherry. 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, 452, 387, 232 and 506 (ii) r/w 149 of the Indian Penal Code on the complaint of one Shyamini 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.

2. The victim of offence in this case 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.

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 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. 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.860/2015 of the Judicial First Class Magistrate Court, Wadakkancherry 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.

**P.UBAID
JUDGE**

ab