

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 14TH DAY OF JULY 2015/23RD ASHADHA, 1937

Crl.MC.No. 4360 of 2015

**CC NO.66/2011 OF JUDICIAL FIRST CLASS MAGISTRATE'S COURT-I,
PARAPPANANGADI**

CRIME NO. 517/2010 OF TANUR POLICE STATION , MALAPPURAM

PETITIONERS/ACCUSED 1 TO 4:

1. SHAMNAD,
S/O.SIDDHIQUE, AGED 24 YEARS,
KUNHINTE PURAKKAL, EDAKKADAPPURAM
TANUR, MALAPPURAM DISTRICT.
2. JUNAIS,
S/O.SAIDALAVI, AGED 23 YEARS,
CHAKKAPANTEPURAKKAL, TANUR POST,
MALAPPURAM DISTRICT.
3. FYSEER, S/O.MAJEED,
AGED 24 YEARS, KINATTINGAL HOUSE,
FISHERIES COLONY,
PARAPPANANGADI, MALAPPURAM DISTRICT.
4. FIROZ, S/O.HANEEFA,
AGED 26 YEARS, AAKKAYIL HOUSE, EDAKKADAPPURAM,
TANUR, MALAPPURAM DISTRICT.

BY ADV. SRI.K.P.SUDHEER

RESPONDENTS/STATE & COMPLAINANT :-

1. THE STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM,
REPRESENTING SUB INSPECTOR OF POLICE,
TANUR POLICE STATION, TANUR - 676 302
MALAPPURAM DISTRICT.

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2. SHAHANAS,
W/O.ABDUL LATHEEF, AGED 31 YEARS,
Ayyappan Tharayil, Vakkad Post,
Tirur, Malappuram District, PIN - 676 502.
3. ABDUL LATHEEF, S/O.KAMMUKUTTY @ AHAMMAD KUTTY,
AGED 39 YEARS, Ayyappan Tharayil,
Vakkad Post, Tirur, Malappuram District,
PIN - 676 502.

R1 BY SMT.S.HYMA, PUBLIC PROSECUTOR
R2 & R3 BY ADV. SRI.ARUN MATHEW VADAKKAN

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
14-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

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APPENDIX

PETITIONER(S)' ANNEXURES :-

**ANNEXURE-A1: TRUE COPY OF FIRST INFORMATION REPORT DATED 5.2.2010 IN
CRIME NO.517/2010 OF TANUR POLICE STATION.**

**ANNEXURE-A2: TRUE COPY OF FINAL REPORT MEMORANDUM OF EVIDENCE AND
THE CHARGE SHEET IN CRIME NO.517/2010 OF TANUR POLICE
STATION.**

ANNEXURE-A3: AFFIDAVIT OF THE 2ND RESPONDENT DATED 3.7.2015.

ANNEXURE-A4: AFFIDAVIT OF THE 3RD RESPONDENT DATED 3.7.2015.

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.4360 of 2015

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Dated this the 14th day of July, 2015

ORDER

The petitioners herein are the four accused in C.C.No.66 of 2011 of the Judicial First Class Magistrate's Court-I, Parappanangadi. 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 341, 323, 354 and 294(b) read with Section 34 of Indian Penal Code on the complaint of one Abdul Latheef, who is the 3rd 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. The other person who sustained injuries in the alleged incident is the 2nd respondent in this proceeding. She has also 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 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.

In the result, this petition is allowed. The prosecution against the petitioners herein in C.C.No.66 of 2011 of the Judicial First Class Magistrate's Court-I, Parappanangadi 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

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//TRUE COPY//

P.A. TO JUDGE