

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 5TH DAY OF MARCH 2015/14TH PHALGUNA, 1936

CrI.MC.No. 3469 of 2014

AGAINST CC 537/2013 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT,
KASARGOD

CRIME NO. 1168/2012 OF KASARGOD POLICE STATION, KASARGOD

PETITIONER/ACCUSED:

NOUSHAD, AGED 22 YEARS,
FAIZAL MANZIL, T.V.STATION ROAD,
ANANGOOR,
KASARGOD DISTRICT.

BY ADVS.SRI.SALIM V.S.
SRI.H.NUJUMUDEEN

RESPONDENTS/STATE & DEFACTO COMPLAINANT:

1. STATE OF KERALA,
REPRESENTED BY THE SUB INSPECTOR OF POLICE,
KASARGOD POLICE STATION, KASARGOD DISTRICT
REPRESENTED THROUGH PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.
2. K.H.ZACKARIYA,, AGED 35 YEARS,
S/O.HASSAINAR, JUMA MASJID ROAD, ANANGOOR,
KASARGOD DISTRICT - 671 315.

R2 BY ADV. SRI.P.V.JEEVESH
R1 BY PUBLIC PROSECUTOR SMT.P.MAYA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 05-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Cr1.MC.No. 3469 of 2014

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE A1. CERTIFIED COPY OF THE FIR IN CRIME NO.1168/2012.

ANNEXURE A2. CERTIFIED COPY OF THE FINAL REPORT IN CRIME
NO.1168/2012.

ANNEXURE A3. AFFIDAVIT DULY SIGNED BY THE DEFACTO COMPLAINANT
ATTESTED BY A NOTARY PUBLIC.

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.3469 of 2014

Dated this the 5th day of March, 2015

O R D E R

The petitioner herein seeks orders quashing the prosecution against him in Crime No.1168/2012 of the Kasargod Police Station. The case is now pending as C.C No.537/2013 before the Judicial First Class Magistrate Court I, Kasaragod. He seeks orders quashing the prosecution on the ground of amicable settlement between him and the defacto complainant, out of court. The main offence is not compoundable under the law. Now there is a police report that the petitioner is in fact a person of bad antecedents, and that he is an accused in another crime, involving the offence under Section 302 of the Indian Penal Code. In the present circumstances, I feel it inappropriate to quash the prosecution. The petitioner will have to face trial before the learned Magistrate. If prosecution is quashed, in the above circumstances, where the petitioner is involved in the other crimes also, it will convey a wrong message. However, a direction can be made to the court below to expedite trial and disposal.

In the result, this Criminal Miscellaneous Case is dismissed. However, the court below is directed that earnest efforts shall be made to try and dispose of the case, as expeditiously as possible.

**P.UBAID
JUDGE**

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