

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 4TH DAY OF MARCH 2015/13TH PHALGUNA, 1936

Crl.MC.No. 3507 of 2014 (A)

**C.C.NO.3036/2013 OF JUDICIAL FIRST CLASS MAGISTRATE COURT - I, HOSDURG
CRIME NO. 883/2012 OF HOSDURG POLICE STATION , KASARGOD**

PETITIONERS/ACCUSED NOS.1 TO 11 :-

- 1. BADARUDHEEN.N, AGED 28 YEARS,
S/O. N.V.ABDULLA, NIYAS MANZIL,
NEAR IQBAL GATE,
THEKKEPURAM,
AJANNOOR VILLAGE.**
- 2. PARAKKAD NAZAR, AGED 28 YEARS,
S/O. IBRAHIM, PARAKKAT,
ITTAMMAL, AJANNOOR VILLAGE.**
- 3. V.MUHAMMED FAHIS, AGED 21 YEARS,
S/O. SIDDIQUE, VALAPPIL HOUSE,
THEKKEPURAM,
AJANNOOR VILLAGE.**
- 4. K.P.SIRAJ, AGED 22 YEARS,
S/O. ISMAIL, KAMMADATH HOUSE,
THEKKEPURAM,
AJANNOOR VILLAGE.**
- 5. MUHAMMED SHAKKEEB, AGED 20 YEARS,
S/O. KAREEM, KAMATTIKADATH HOUSE,
NEAR NOORMAHAL,
THEKKEPURAM, AJANNOOR VILLAGE.**
- 6. JASIR P., AGED 24 YEARS,
S/O. KUNHABDULLA, PATTILLATH HOUSE,
NEAR IQBAL HIGH SCHOOL, AJANNOOR VILLAGE.**
- 7. AJMAL M., AGED 20 YEARS,
S/O. ABOOBACKER,
MAYINKADATH HOUSE, NORTH KOTTAM,
AJANNOOR VILLAGE.**

8. ASARU M.S., AGED 20 YEARS,
S/O. SHAMSUDHEEN @ MEENKARAN SHAMSU,
PADIKKAL HOUSE,
THEKKEPURAM, AJANNOOR VILLAGE.
9. ARSHAD P., AGED 20 YEARS,
S/O. C.P.KUNJABDULLA,
HAZEENA MANZIL, THALICHU ROAD
THEKKEPURAM, AJANNOOR VILLAGE.
10. NOUSHAD AHAMMED ABDUL KHADER,
AGED 22 YEARS,
S/O. AHAMMED KUNHI, KHADER HOUSE,
THEKKEPURAM, AJANNOOR VILLAGE.
11. MUHAMMED DILSHAD, AGED 21 YEARS,
S/O. IBRAHIM, MAHINKADATH HOUSE,
THEKKEPURAM, AJANNOOR VILLAGE.

BY ADV. SRI.C.K.SREEJITH

RESPONDENTS/COMPLAINANT,STATE & DE-FACTO COMPLAINANTS :-

1. THE STATION HOUSE OFFICER,
HOSDURG POLICE STATION,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM - 682 031.
2. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM - 682 031.
3. T.M.SAMEER , AGED 23 YEARS,
S/O. KUNHAMED (LATE),
RESIDING AT T.M.HOUSE,
THEKKEPURAM, AJANUR VILLAGE,
HOSDURG TALUK, PIN-671 531.

- 4. ABDUL RAZAK T.M., AGED 40 YEARS,
S/O. ABDUL KHADER,
RESIDING AT THEKEPURAM,
P.O. MANIKOTH,
AJANUR VILLAGE,
HOSDURG TALUK - 671 531.**

**R1 & R2 BY SMT.P.MAYA, PUBLIC PROSECUTOR
R3 & R4 BY ADVS. SMT.MARY RANZOM LOUIZ
SRI.BOBBYMATHEW KOOTHATTUKULAM**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 04-03-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Crl.MC.No. 3507 of 2014 (A)

APPENDIX

PETITIONER(S)' EXHIBITS :-

**ANNEXURE A1 : THE TRUE COPY OF THE FIR IN CRIME NO.883/12 ON
THE FILE OF HOSDURG POLICE STATION, KASARAGOD.**

**ANNEXURE A2 : THE TRUE COPY OF THE FINAL REPORT REGISTERED AS
CC NO.3036/2013 ON THE FILE OF HON'BLE JUDICIAL 1ST CLASS
MAGISTRATE COURT NO.1, HOSDURG.**

ANNEXURE A3 : THE TRUE COPY OF THE MEMO OF EVIDENCE.

ANNEXURE A4 : THE AFFIDAVIT SWORN BY THE 3RD RESPONDENT.

ANNEXURE A5 : THE AFFIDAVIT SWORN BY THE 4TH RESPONDENT.

RESPONDENT(S)' EXHIBITS :- NIL

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//TRUE COPY//

P.A. TO JUDGE

P.UBAID, J.

Crl.M.C.No.3507 of 2014

Dated this the 4th day of March, 2015

ORDER

The petitioners are the accused Nos.1 to 11 in C.C.No.3036 of 2013 of the Judicial First Class Magistrate Court-I, Hosdurg. 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, 341, 323, 324, 506(11) read with Section 149 of the IPC on the complaint of one Abdul Razak T.M., who is the 4th 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. The other person who sustained injuries in the alleged incident is the respondent No.3 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 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.3036 of 2013 of the

Judicial First Class Magistrate's Court-I, Hosdurg will stand quashed under Section 482 of the Code of Criminal Procedure. Accordingly, the petitioners will stand released from prosecution.

Sd/-
P.UBAID
JUDGE

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//TRUE COPY//

P.A. TO JUDGE