

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

MONDAY, THE 17TH DAY OF AUGUST 2015/26TH SRAVANA, 1937

Cr1.MC.No. 5411 of 2015

IN CC 28/2015 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT I,
KASARAGOD
CRIME NO. 624/2014 OF VIDYA NAGAR POLICE STATION, KASARGOD

PETITIONER/ACCUSED:

MOHAMMED REFEEQ, AGED 27 YEARS,
S/O.MEHABOOB,
BISMILLA HOUSE, KOLLANKANAM,
KALLAKKATTA P.O,
MADHUR, KASARAGOD DISTRICT.

BY ADVS.SRI.T.G.RAJENDRAN
SRI.T.R.TARIN
SMT.ANN SUSAN GEORGE
SRI.V.A.VINOD

RESPONDENT/COMPLAINANT/STATE:

1. SUB INSPECTOR OF POLICE,
VIDYANAGAR POLICE STATION,
KASARAGOD DISTRICT - 671 121
2. STATE OF KERALA, REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM - 682 031.
3. ZEREENA, AGED 33 YEARS,
W/O.ANWAR, ABDUL KHADER QUARTERS,
KOLLAMKANAM, MADHUR VILLAGE,
KASARAGOD DISTRICT - 671 124

R3 BY ADV. SRI.CIBI THOMAS
R1 & R2 BY PUBLIC PROSECUTOR SMT.V.H.JASMINE

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 17-08-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

Cr1.MC.No. 5411 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE I: COPY OF THE FINAL REPORT IN CR.NO.624/14 OF VIDYANAGAR POLICE STATION.

ANNEXURE II: COPY OF THE AFFIDAVIT OF THE 3RD RESPONDENT DATED 23.7.2015.

RESPONDENT'S ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

ab

P.UBAID, J.

Crl.M.C No.5411 of 2015

Dated this the 17th day of August, 2015

O R D E R

The petitioner herein is the sole accused in C.C No.28/2015 of the Judicial First Class Magistrate Court I, Kasaragod. He seeks orders quashing the prosecution on the ground of amicable settlement of the whole dispute between him and the de facto complainant. Crime in this case was registered under Sections 341, 323 and 354 of the Indian Penal Code on the complaint of one Zereena who is the 3rd 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. On a perusal of the materials I find that this is only a case of assault on a woman. A mere assault on a lady will not by itself come under Section 354 of the Indian Penal Code. For such a prosecution something more is required. Anyway, the parties are close relatives and they have resolved the whole dispute.

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 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 petitioner herein in C.C No.28/2015 of the Judicial First Class Magistrate Court I, Kasaragod will stand quashed under Section 482 of the Code of Criminal Procedure. Accordingly, the petitioner will stand released from prosecution, and the bail bond, if any, executed by him will stand discharged.

Sd/-
P.UBAID
JUDGE

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