

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 18TH DAY OF AUGUST 2015/27TH SRAVANA, 1937

Cr1.MC.No. 5489 of 2015

CRIME NO. 426/2015 OF NATTUKAL POLICE STATION, PALAKKAD

PETITIONERS/ACCUSED:

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1. MOHAMMED NASEEF (MINOR), AGED 17 YEARS,
REPRESENTED BY HIS FATHER AND GUARDIAN SAKEER,
AGED 43 YEARS, PADUKUNDIL HOUSE, VATTAMANNAPURAM PO,
PALAKKAD DISTRICT.
 2. MUSAFIR ALI (MINOR), AGED 17 YEARS,
REPRESENTED BY HIS MOTHER AND GUARDIAN BUSHARA,
AGED 42 YEARS, KAPPIL HOUSE,
UPPUKULAM PO, EDATHANATTUKARA, PALAKKAD DISTRICT
 3. HASHIM. P, AGED 18 YEARS,
PUTHANKOT HOUSE, CHIRATTAKKULAM, EDATHANATTUKARA,
PALAKKAD DISTRICT
 4. SREERAG.P (MINOR), AGED 17 YEARS,
REPRESENTED BY HIS FATHER AND GUARDIAN SREEDHARAN,
AGED 45 YEARS, PAMPOTTIL HOUSE,
EDATHANATTUKARA, PALAKKAD DISTRICT

BY ADVS.SRI.K.M.SATHYANATHA MENON
SRI.A.SANTHOSHKUMAR
SMT.KAVERY S THAMPI
SMT.ANJANA KANNATH

RESPONDENTS/DEFACTO COMPLAINAT, COMPALAINANT & STATE:

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1. MUHAMMED SHABEER (MINOR), AGED 16 YEARS,
REPRESENTED BY HIS FATHER AND GUARDIAN ABDUL AZEEZ,
AGED 48 YEARS, S/O MAMMAD, KARUPPANVEETIL HOUSE,
ALANALLOR P.O
PALAKKAD DISTRICT

2. THE SUB INSPECTOR OF POLICE,
NATTUKAL POLICE STATION, NATTUKAL, PALAKKAD DISTRICT,
PIN-678 554
3. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, KOCHI-678 031

R1 BY ADV. SRI.C.M.KAMMAPPU

R2 & R3 BY PUBLIC PROSECUTOR SMT.V.H.JASMINE

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 18-08-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

Crl.MC.No. 5489 of 2015

APPENDIX

PETITIONERS' ANNEXURES:

ANNEXURE A- COPY OF THE FIR IN CRIME NO. 426/15 OF NATTUKAL
POLICE STATION

ANNEXURE B- ORIGINAL OF THE AFFIDAVIT DT. 14/8/15 SWORN BY THE
1ST REPONDENT AND HIS GUARDIAN

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.5489 of 2015

Dated this the 18th day of August, 2015

O R D E R

The petitioners seek orders quashing the F.I.R and further proceedings in Crime No.426/2015 of the Nattukal Police Station, registered under Sections 323 and 341 r/w 34 of the Indian Penal Code and Section 4 of the Kerala Prohibition of Ragging Act on the complaint of one Muhammed Shabeer. The first respondent is the guardian of the defacto complainant. Orders are sought on the ground of amicable settlement of the whole dispute between the accused and the de facto complainant out of court. The petitioners and the victim are classmates, and I am satisfied that they are happily pursuing their studies without any difference of opinion. They are now good friends. The guardian of the victim has filed affidavit to the effect that he has settled the whole dispute with the accused and he has no grievance or complaint.

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; be it at the

crime stage or at the trial stage or even at the appellate or revisional stage; if the parties have really settled the whole dispute, or if continuance of the prosecution will not serve any purpose. Here, I find a real case of settlement between the parties, and I also find that continuance of prosecution in such a situation will not serve any purpose other than wasting the precious time of the court, when the case ultimately comes before the court.

In the result, this petition is allowed. The F.I.R and further proceedings in Crime No.426/2015 of the Nattukal Police Station will stand quashed under Section 482 of the Code of Criminal Procedure.

**Sd/-
P.UBAID
JUDGE**

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