

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

Crl.MC.No. 5561 of 2015

**C.C.NO.1898/2015 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, ALATHUR
CRIME NO. 282/2011 OF VADAKKENCHERY POLICE STATION , PALAKKAD**

PETITIONER(S)/ACCUSED :

- 1. SHAJAHAN, AGED 38 YEARS,
S/O.ABDUL RAHIMAN, MAM HOUSE, MANAPPADAM,
ALATHUR TALUK, PALAKKAD DISTRICT.**
- 2. NISHAD, AGED 30 YEARS,
S/O.ABDUL RAHIMAN, MAM HOUSE, MANAPPADAM,
ALATHUR TALUK, PALAKKAD DISTRICT.**

BY ADV. SRI.BABY MATHEW

RESPONDENT(S) :

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.**
- 2. SUB INSPECTOR OF POLICE,
VADAKKENCHERY POLICE STATION, PALAKKAD DISTRICT-678 001.**
- 3. AHAMMAD MEERAN @ CHINNAPPA, AGED 63 YEARS,
S/O.MOURIMITHI, MAM HOUSE, KARIYAMKUNNU,
PUTHUCODE, ALATHUR TALUK, PALAKKAD DISTRICT-678 541.**
- 4. SHAMEERA, AGED 29 YEARS,
D/O.AHAMMAD MEERAN @ CHINNAPPA, MAM HOUSE,
KARIYAMKUNNU, PUTHUCODE, ALATHUR TALUK,
PALAKKAD DISTRICT-678 541.**
- 5. JAZEELA, AGED 26 YEARS,
D/O.AHAMMAD MEERAN @ CHINNAPPA, MAM HOUSE,
KARIYAMKUNNU, PUTHUCODE, ALATHUR TALUK,
PALAKKAD DISTRICT-678 541.**

**R1 & R2 BY PUBLIC PROSECUTOR SMT.V.H.JASMINE
R3 TO R5 BY ADV. SRI.S.KRISHNA KUMAR (MANGALAM)**

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

APPENDIX

PETITIONER(S)' ANNEXURES :

- ANNEXURE 1:** TRUE COPY OF THE FIR DATED 22/04/2011 IN
CRIME NO.282/2011 OF VADAKKENCHERY POLICE STATION.
- ANNEXURE 2:** TRUE COPY OF THE FINAL REPORT DATED 07/05/2011 IN
CRIME NO. 282/2011 OF VADAKKENCHERY POLICE STATION
- ANNEXURE 3:** TRUE COPY OF THE AFFIDAVIT DATED 25/07/2015 OF
THE 3RD RESPONDENT /DEFACTO COMPLAINANT.
- ANNEXURE 4:** TRUE COPY OF THE AFFIDAVIT DATED 25/07/2015 OF
THE 4TH RESPONDENT.
- ANNEXURE 5:** TRUE COPY OF THE AFFIDAVIT DATED 25/07/2015 OF
THE 5TH RESPONDENT.

RESPONDENT(S)' ANNEXURES :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

P.UBAID, J.

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Crl.M.C.No.5561 of 2015

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Dated this the 18th day of August, 2015

ORDER

The petitioners herein are the original accused Nos. 2 and 3 in C.C.No.263 of 2011 of the Judicial First Class Magistrate Court, Alathur. The other four accused faced trial before the learned Magistrate, and obtained a judgment of acquittal, when the material witnesses did not support the prosecution. Thereafter, the petitioners herein and the defacto complainant came to terms, and settled the whole dispute. The case against the petitioners was split up and re-file as C.C.No.1898 of 2015. The said prosecution is sought to be quashed under Section 482 Cr.P.C. on the ground of settlement. Crime in this case was registered under Sections 143, 147, 448, 341, 323, 354 and 149 of the Indian Penal Code on the complaint of one Ahammad Meeran, 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 persons who sustained injuries in the alleged incident are the respondent Nos.4 and 5 in this proceeding.

They have also filed affidavit to the effect that they have settled the whole dispute with the accused, and they have 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 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, 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.1898 of 2015 of the Judicial First Class Magistrate Court, Alathur 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

rkj

//TRUE COPY//

P.A. TO JUDGE