

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 20TH DAY OF AUGUST 2015/29TH SRAVANA, 1937

Crl.MC.No. 5696 of 2015 ()

CC.NO. 1488/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, MALAPPURAM
CRIME NO. 1117/2014 OF MALAPPURAM POLICE STATION, MALAPPURAM

PETITIONERS/ACCUSED NO.1 AND 2 :

- 1. FAJAS**
S/O.ABOOBACKER, AGED 26 YEARS
ALANGADAN HOUSE, HAJIYARPALLI P.O.
MALAPPURAM DISTRICT.
- 2. SAIFUDHEEN**
S/O.MUHAMMED, AGED 28 YEARS
KUNDUVAYIL HOUSE, MAMPARAMBU
NEAR SPINNING MILL, MALAPPURAM DISTRICT.

BY ADV. SRI.U.K.DEVIDAS

RESPONDENTS/STATE/COMPLAINANT :

- 1. STATE OF KERALA**
REPRESENTED BY THE SUB INSPECTOR OF POLICE
MALAPPURAM POLICE STATION
MALAPPURAM DISTRICT THROUGH PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.
- 2. SHAHANAS,**
W/O.FIROZ, AGED 29 YEARS
FALJISHA MANZIL, (ALANGADAN HOUSE)
MUTHUVATHUPARAMBU, HAJIYARPALLI P.O.
MALAPPURAM DISTRICT
NOW RESIDING AT VELIYANKODAN PARAMBIL HOUSE
HARITHA GARDENS, THENKARA P.O.
PALAKKAD DISTRICT-678761.

R1 BY PUBLIC PROSECUTOR SMT. S. HYMA
R2 BY ADV. SMT.P.M.SHAHIDA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 20-08-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Mn

...2/-

APPENDIX

PETITIONERS' ANNEXURES :

**ANNEXURE I : CERTIFIED COPY OF THE FIRST INFORMATION REPORT IN
CRIME NO. 1117/2014 OF MALAPPURAM POLICE STATION,
DATED 29/09/2014.**

**ANNEXURE II CERTIFIED COPY OF THE FINAL REPORT IN CRIME
NO. 1117/2014 OF MALAPPURAM.**

**ANNEXURE III THE ORIGINAL OF THE AFFIDAVIT DATED 13.3.2015 EXECUTED
BY THE SECOND RESPONDENT.**

RESPONDENT'S ANNEXURES : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

P.UBAID, J.

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CrI.M.C.No.5696 of 2015

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Dated this the 20th day of August, 2015

ORDER

The petitioners herein are the two accused in C.C.No.1488 of 2014 of the Judicial First Class Magistrate Court, Malappuram. 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 323, 354, 294(b) read with Section 34 of the Indian Penal Code on the complaint of one Shahanas, who is the 2nd 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.

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 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.

3. The victim's affidavit shows that all the pending disputes stand settled, and everything stands resolved forever.

In the result, this petition is allowed. The prosecution against the petitioners herein in C.C.No.1488 of 2014 of the Judicial First Class Magistrate Court, Malappuram 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