

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 8TH DAY OF SEPTEMBER 2015/17TH BHADRA, 1937

Crl.MC.No. 5795 of 2015 ()

AGAINST SC 100/2014 of SESSIONS COURT, THALASSERY
CRIME NO. 1056/2012 OF PAYANGADI POLICE STATION, KANNUR

PETITIONER(S)/ACCUSED NO.1-3:

1. JASIF M. AGED 24 YEARS
S/O.AZEEZ, MADATHIL HOUSE, KUNDAYI ITTAMMAL
MADAYI P.O., KANNUR DISTRICT.
2. MAKSOOD AGED 25 YEARS
S/O.MUHAMMED, KADAVATH HOUSE, ERIPPURAM
MADAYI P.O., KANNUR DISTRICT.
3. THAFI T.P. AGED 24 YEARS
S/O.MUHAMMED ALI, THEKKE PURAYIL HOUSE, PUTHIYANGADI
MADAYI P.O., KANNUR DISTRICT.

BY ADVS.SRI.ZUBAIR PULIKKOOL
SRI.P.S.BINU

RESPONDENT(S)/ DE FACTO COMPLAINANT:

1. MUHAMMED RAZAL, AGED 19 YEARS
S/O.ABDUL KHADER MAKKIKKARAN HOUSE, KUNDAYI ITTAMMAL
MADAYI P.O., KANNUR DISTRICT.
2. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682 031.

R1 BY ADV. SMT.P.A.ANEESHA
R2 BY PUBLIC PROSECUTOR SMT.REMA.R

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON
08-09-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Crl.MC.No. 5795 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE-I. COPY OF THE FINAL REPORT IN CRIME NO.1056/2012 OF
PAZHAYANGADI POLICE STATION.

ANNEXURE-II. TRUE COPY OF THE AFFIDAVIT OF THE 1ST RESPONDENT

RESPONDENT(S)' EXHIBITS

/TRUE COPY/

P.S TO JUDGE

P.UBAID, J.
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**Crl.M.C No. 5795 of 2015**  
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Dated this the 8th September, 2015

ORDER

The petitioners herein are the three accused in S.C 100 of 2014 of the Sessions Court, Thalassery. 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 341, 323, 506 (i) and 511 of 377 read with Section 34 I.P.C and also under Sections 8, 12 and 18 of the Protection of Children from Sexual Offence Act, 2012 on the complaint of one Muhammed Razal, who is the 1st 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 victim and the petitioners appeared before me as directed by the court, and explained the circumstances of the reported settlement. The victim

submitted that he is now aged 19 years, and that he settled the dispute quite voluntarily. On a perusal of the materials, I find that there is nothing definite to attract the offence under Section 377 I.P.C read with 511, I.P.C. What is prominent is only the allegation of assault and the whole dispute stands settled forever. I am well satisfied that the complainant victim thought of settlement in his own interest, for fear that he is exposed to a trial process in the given situation, it will cause embarrassment to him. Now the parties are on quite cordial terms, and the complainant does not want to prosecute the matter further.

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 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 petitioners herein in S.C 100 of 2014 of the Sessions Court, Thalassery 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**

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/True copy/

P.S to Judge

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**P.UBAID
JUDGE**