

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

MONDAY, THE 7TH DAY OF SEPTEMBER 2015/16TH BHADRA, 1937

Crl.MC.No. 5856 of 2015 (E)

SC 307/2015 OF SESSIONS COURT, MANJERI

CRIME NO. 327/2015 OF NILAMBUR POLICE STATION , MALAPPURAM

PETITIONER(S)/ACCUSED :-

**ABDUL HAKKEEM, S/O.ABDURAHIMAN, AGED 47 YEARS,
ERANTHODIKA HOUSE, PANDIKKUNNU P.O.,
NILAMBUR, MALAPPURAM DISTRICT**

BY ADV. SRI.U.K.DEVIDAS

RESPONDENT(S)/COMPLAINANT/STATE :-

- 1. STATE OF KERALA,
REPRESENTED BY THE SUB INSPECTOR OF POLICE,
NILAMBUR POLICE STATION, MALAPPURAM DISTRICT,
THROUGH THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.**
- 2. NISSAMUDHEEN, AGED 16 YEARS(MINOR),
S/O.SULAJUL HAKKEEM, REP. BY THE FATHER
SULAJUL HAKKEEM, POOVVATHINGAL HOUSE,
CHERUVATHUKKUNNU,
NILAMBUR P.O., MALAPPURAM DISTRICT – 679 329.**
- 3. SULAJUL HAKKEEM, AGED 39 YEARS,
S/O.MOIDEEN, POOVVATHINGAL HOUSE, CHERUVATHUKKUNNU,
NILAMBUR P.O., MALAPPURAM DISTRICT – 679 329.**

**R2 & R3 BY ADV. SMT.P.M.SHAHIDA
R1 BY SRI.JUSTIN JACOB, PUBLIC PROSECUTOR**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 07-09-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

rkj

Crl.MC.No. 5856 of 2015 (E)

APPENDIX

PETITIONER(S)' ANNEXURES :-

**ANNEXURE - I : TRUE COPY OF THE FIRST INFORMATION REPORT IN CRIME
NO.327/2015 OF NILAMBUR POLICE STATION DATED 11/3/2015.**

**ANNEXURE – II : TRUE COPY OF THE RELEVANT PAGE OF THE CHARGE SHEET IN
CRIME NO.327/2015 OF NILAMBUR POLICE STATION DATED
19/6/2015.**

**ANNEXURE – III : THE ORIGINAL OF THE AFFIDAVIT SWORN IN BY THE 2ND
RESPONDENT DATED 17/8/2015.**

**ANNEXURE – IV : THE ORIGINAL OF THE AFFIDAVIT SWORN IN BY THE 3RD
RESPONDENT DATED 17/8/2015.**

RESPONDENT(S)' ANNEXURES :- NIL

//TRUE COPY//

P.A. TO JUDGE

rkj

P.UBAID, J.

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Crl.M.C.No.5856 of 2015
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Dated this the 7th day of September, 2015

ORDER

The petitioner herein is the accused in S.C.No.307 of 2015 of the Court of Session, Manjeri. 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 363, 511 of 377 IPC on the complaint of one Sulajul, 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 victim of offence is the 2nd respondent now aged 16 years. He has also filed affidavit to the effect that he has settled the whole dispute with the accused, and he 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 and also the complainant appeared before me as directed by the Court, and submitted the situation which led to the settlement. The victim and also the guardian submitted before me that the complaint happened to be made on some misapprehension, and that the petitioner had not in fact acted as alleged in the complaint. They also submitted that some embellishments were impact made in the complaint by the police to make the case serious, but the accused had not in fact done that much. I am satisfied that the parties have come

to terms amicably in the best interest of the victim, and the whole dispute or misunderstanding stands resolved forever. I find, on hearing both sides, that exposure of the victim to a trial process in the above circumstances will cause embarrassment to him, and it will even affect his studies. I also find on interaction with the parties, that the complaint happened to be made on some misapprehension, and that the facts are not exactly as stated in the complaint. In such a situation, it is appropriate that the proceeding be quashed.

In the result, this petition is allowed. The prosecution against the petitioner herein in S.C.No.307 of 2015 of the Court of Session, Manjeri 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

rkj

//TRUE COPY//

P.A. TO JUDGE