

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

Cr1.MC.No. 6015 of 2015

IN C.C NO. 996/2014 OF THE JUDICIAL FIRST CLASS MAGISTRATE
COURT, THALASSERY
CRIME NO. 331/2014 OF KODUVALLY POLICE STATION, KOZHIKODE

PETITIONERS/ACCUSED:

1. ALI, AGED 37 YEARS,
S/O.MOOSA, MEPPALA VEEDU,
MODERN BAZAR, KODUVALLY,
KOZHIKODE.
2. FARROOK, AGED 33 YEARS,
S/O.MOOSA, MEPPALA VEEDU,
MODERN BAZAR, KODUVALLY,
KOZHIKODE.

BY ADVS.SRI.A.T.ANILKUMAR
SMT.V.SHYLAJA

RESPONDENTS/DEFACTO COMPLAINANT:

1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.
2. SUB INSPECTOR OF POLICE,
KODUVALLY POLICE STATION, KOZHIKODE,
PIN - 673 572.
3. SUHARA, AGED 53 YEARS,
W/O.ASSAINAR, KIZHAKKETHODUKAYIL HOUSE,
MODERN BAZAR, KODUVALLY,
KOZHIKODE - 673 572.

R3 BY ADV. SRI.T.KABIL CHANDRAN
R1 & R2 BY PUBLIC PROSECUTOR SMT.R.REMA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 08-09-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

Cr1.MC.No. 6015 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE A: COPY OF THE FIR IN CRIME NO.331/2014

ANNEXURE B: COPY OF THE FINAL REPORT

ANNEXURE C: COPY OF THE AFFIDAVIT OF THE 3RD RESPONDENT.

RESPONDENT'S ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

ab

P.UBAID, J.

Crl.M.C No.6015 of 2015

Dated this the 8th day of September, 2015

O R D E R

The petitioners herein are the two accused in C.C No.996/2014 of the Judicial First Class Magistrate Court I, Thamarassery. 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 447, 323, 354 and 427 r/w 34 of the Indian Penal Code on the complaint of one Suhara who is the third 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. A connected case relating to a retaliative incident also stands settled between the parties. On a perusal of the materials, including the complaint and the final report, I find that this is only a case of assault. A mere assault or use of criminal force on a woman will not by itself attract a prosecution

under Section 354 of IPC. Anyway, the whole dispute now stands resolved forever, and the parties are now on quite cordial terms.

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 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 C.C No.996/2014 of the Judicial First Class Magistrate Court I, Thamarassery 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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