

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

MONDAY, THE 14TH DAY OF SEPTEMBER 2015/23RD BHADRA, 1937

Cr1.MC.No. 6066 of 2015

IN SC 410/2014 OF THE ASSISTANT SESSIONS COURT, MANJERI
CRIME NO. 389/2011 OF KOLATHUR POLICE STATION, MALAPPURAM

PETITIONERS:

1. MUHAMMED RAFI, AGED 40 YEARS,
S/O.KOYA HAJI, RESIDING AT MELAPURATH HOUSE,
P.O.CHEMMALASSERI, PULAMANTHOLE, MALAPPURAM DT.
2. SAIDALI HAJI, AGED 75 YEARS,
S/O.SAIDUTTY, RESIDING AT MELAPURATH HOUSE,
P.O.CHEMMALASSERI, PULAMANTHOLE, MALAPPURAM DT
3. ABDURAHIMAN @ BAPPU, AGED 45 YEARS,
S/O.MUHAMMEDKUTTY, RESIDING AT MELAPURATH HOUSE,
P.O.CHEMMALASSERI, PULAMANTHOLE, MALAPPURAM DT

BY ADV. SRI.NIRMAL V NAIR

RESPONDENTS:

1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM,
KOCHI - 682 011
2. FASEELA, AGED 34 YEARS,
D/O.UMMERKUTTY, MELEPARAMBATH HOUSE,
P.O.CHEMMALLASSERI,
MALAPPURAM DT.
3. V.K.UMMERKUTTY, AGED 74 YEARS,
S/O.KUNHUNNIYAN HAJI, MELEPARAMBATH HOUSE,
P.O.CHEMALLASSERI, MALAPPURAM DT.

R2,R3 BY ADV. SRI.SURAJ.S

R1 BY PUBLIC PROSECUTOR SRI.JUSTIN JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 14-09-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

Cr1.MC.No. 6066 of 2015

APPENDIX

PETITIONERS' ANNEXURES:

ANNEXURE A: COPY OF FIR IN CRIME NO.389/2011 OF THE KOLATHUR
POLICE STATION

ANNEXURE B: FINAL REPORT IN CRIME NO.389/2011 IN SC.NO.410/2014
ON THE FILE OF THE SUB COURT, MANJERI

ANNEXURE C: A COPY OF AFIDAVITI FILED BY THE 2ND AND 3RD
RESPONDENT

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.6066 of 2015

Dated this the 14th day of September, 2015

O R D E R

The petitioners herein are the three accused in S.C No.410/2014 of the Assistant Sessions Court, Manjeri. 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 143, 147, 148, 323, 324 r/w 149 of the Indian Penal Code on the complaint of one Faseela, who is the 2nd respondent in this proceeding brought under Section 482 of the Code of Criminal Procedure. The other person who sustained injuries in the alleged incident is the 3rd respondent in this proceeding. The 2nd and 3rd respondents have jointly 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 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 case happened to be committed as a counter case to the main case, involving the offence under Section 308 IPC. The said case stands settled and quashed. 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 No.410/2014 of the Assistant Sessions Court, Manjeri 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.

**P.UBAID
JUDGE**

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