

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE P.UBAID**

**WEDNESDAY, THE 18TH DAY OF NOVEMBER 2015/27TH KARTHIKA, 1937**

**Crl.MC.No. 4957 of 2014 (F)**  
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**SC 184/2014 OF SUB COURT, VADAKARA**

**CRIME NO. 83/2010 OF VALAYAM POLICE STATION, KOZHIKODE**

**PETITIONER(S)/ACCUSED :-**  
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**SHABEER, AGED 25 YEARS,  
S/O. HASSAN, KATAYAMKOTT,  
VALAYAM AMSOM DESOM,  
VATAKARA.**

**BY ADVS.SRI.K.RAKESH ROSHAN  
SMT.THUSHARA.V**

**RESPONDENT(S)/DEFENDANTS/CLAIMANT :-**  
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- 1. THE STATE OF KERALA,  
REPRESENTED BY PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA,  
ERNAKULAM (CRIME NO. 83/2010 OF  
VALAYAM POLICE STATION NOW PENDING AS  
S.C NO.184/2014 ON THE FILE OF ASST. SESSIONS COURT,  
VATAKARA), PIN - 673 101.**
- 2. SANTHA, W/O. CHANDRAN, KALLAMNEL,  
CHEKKIAD AMSOM DESOM,  
KURUVANTHERI, VATAKARA TALUK,  
KOZHIKODE, PIN - 673 101.**

**R2 BY ADV. SRI.MANSOOR.B.H.  
R1 BY SMT.SHEEBA M.T., PUBLIC PROSECUTOR**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION  
ON 18-11-2015, ALONG WITH CRMC. 4961/2014, CRMC. 4962/2014, THE COURT ON  
THE SAME DAY PASSED THE FOLLOWING:**

**rkj**

**APPENDIX**

**PETITIONER(S)' ANNEXURES :-**  
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**ANNEXURE 1 : TRUE COPY OF THE FIR ALONG WITH THE FIS GIVEN THE 2ND RESPONDENT.**

**ANNEXURE 2 : TRUE COPY OF THE CHARGE FILED IN CRIME NO.83/2010 OF VALAYAM POLICE STATION NOW PENDING BEFORE THE ASST. SESSIONS COURT, VATAKARA AS S.C.NO.184/2014.**

**ANNEXURE 3 : TRUE COPY OF THE ORIGINAL OF THE JOINT AFFIDAVIT SWORN BY THE RESPONDENT NO.2 AND HER HUSBAND.**

**RESPONDENT(S)' ANNEXURES :- NIL**  
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**//TRUE COPY//**

**P.A. TO JUDGE**

**rkj**

**P.UBAID, J.**

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**Crl.M.C.Nos.4957, 4961 & 4962 of 2014**  
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Dated this the 18<sup>th</sup> day of November, 2015

**ORDER**

The petitioners in these three applications are the accused in Crime No.83 of 2010 of the Valayam Police Station registered under Sections 143, 147, 148, 452, 427 read with Section 149 IPC. Later, Section 324 IPC, and also Section 4 of Explosive Act were incorporated when the police submitted final report in the crime. As against the some of the accused the case stands already committed to the Court of Session, and as against the some the case is still before the committal court. The petitioners in Crl.M.C.No. 4961 of 2014 are the accused whose case is yet to be committed to the Court of Session. The case against the petitioners in C.P.No.10 of 2014 is before the Judicial First Class Magistrate Court, Nadapuram. As against one, it is pending before the Court of

Session as S.C.No.184 of 2014, and as against the others, the case is now pending as S.C.No.906 of 2013 in the Court of Session. Both these cases are being now considered by the learned Assistant Sessions Judge, Vatakara. The petitioners now seek orders quashing the prosecution on the ground of amicable settlement of the whole dispute out of Court. The police registered this crime on the complaint of one Shantha, who is the second respondent in all these proceedings. She has filed affidavit to the effect that the whole dispute now stands settled, and that she has no grievance or complaint. In fact, the complaint does not show that any of the accused had used any explosive substance. It is not known how or from where the police got information or material proving the use of explosive substance. It was submitted that the alleged incident happened in connection with the rivalry between two political parties. In such a situation, the police was directed to submit a report regarding the settlement and also regarding the present socio political situation at the locality. Accordingly, the Sub Inspector of Police, Valayam submitted a report to Court. This report shows that these petitioners are not involved in the any other case or crime, and that the

socio-political situation at the locality is quite calm and peaceful now. The report shows that presently there is no issue between these two political parties. I am well satisfied that the parties have really settled the whole dispute out of court, and that continuance of the prosecution will not serve any purpose. The two political parties have now come to terms, and accordingly, the whole dispute stands amicably settled on the intervention of persons acceptable to both sides. The police report shows that there is no problem at the locality, and that the crime happened to be registered at the instance of some politicians. I find that the prosecution can be quashed on the ground that continuance of prosecution in such a situation will not serve any purpose.

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 come to terms amicably out of court, or if continuance of the prosecution will not serve any purpose. Here, I find that continuance of the prosecution will not serve any purpose other than wasting the precious time of the court. Definite it is, that nobody will

support the prosecution, if the case goes to trial, in the circumstance of an amicable settlement made between the parties, and the political parties.

In the result, this petition is allowed. The prosecution against these petitioners now pending in C.P.No.10 of 2014 before the Judicial First Class Magistrate Court, Nadapuram, and in S.C.No.906 of 2013 and S.C.No.184 of 2014 before the Assistant Sessions Court, Vatakara will stand quashed under Section 482 Cr.P.C.

Sd/-  
**P.UBAID**  
**JUDGE**

rkj

//TRUE COPY//

P.A. TO JUDGE