

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 18TH DAY OF SEPTEMBER 2015/27TH BHADRA, 1937

Crl.MC.No. 6236 of 2015 ()

AGAINST CC 369/2011 of J.M.F.C.-II, NEYYATTINKARA
CRIME NO. 39/2011 OF POOVAR POLICE STATION , THIRUVANANDAPURAM

PETITIONER(S):

1. MUHAMMED ASSARUDEEN AGED 23 YEARS,
S/O.SHAHUL HAMEED, PANAVALAKATHU VEEDU,
POOVAR, TIRUPURAM, THIRUVANANDAPURAM.
2. MUHAMMED SAJOOR, S/O.SHAHUL HAMEED,
AGED 29 YEARS, PANAVALAKATHU VEEDU, POOVAR,
TIRUPURAM, THIRUVANANDAPURAM.
3. THAHIKHALFAN, S/O. MUHAMMED DHALEEL,
AGED 24 YEARS, SHAJI NIVAS,
BEHIND APSARA TEXTILES, POOVAR, TIRUPURAM,
THIRUVANANDAPURAM.

BY ADV. SRI.S.MOHAMMED AL RAFI

RESPONDENT(S)/COMPLAINANT & STATE:

1. ALI FATHIMA, D/O.MUHAMMED FATHIMA,
AGED 46 YEARS,
THITTAYIL VEEDU, POOVAR BEACH ROAD,
POOVAR, THIRUVANANDAPURAM -695 525
2. STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA
ERNAKULAM.

R1 BY ADV. SRI.ANIL K.MOHAMMED

R2 BY PUBLIC PROSECUTOR SRI.JUSTINE JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 18-09-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Crl.MC.No. 6236 of 2015

APPENDIX

PETITIONERS EXHIBITS:

ANNEXURE A: CERTIFIED COPY OF FINAL REPORT IN CRIME NO.39/2011
OF POOVAR POLICE STATION

ANNEXURE B: NOTARISED AFFIDAVIT SWORN BY THE 1ST RESPONDENT

RESPONDENTS EXHIBITS:

/TRUE COPY/

P.A TO JUDGE

P.UBAID, J.

Crl.M.C No.6236 of 2015

Dated this the 18th day of September, 2015

O R D E R

The petitioners herein are the three accused in C.C No.369/2011 of the Judicial First Class Magistrate Court II, Neyyattinkara. 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 451, 294(b), 323 and 354 r/w 34 of the Indian Penal Code on the complaint of one Ali Fathima, who is the first 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. The case against the juvenile accused, now pending before the Juvenile Justice Board, also stands settled and quashed.

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.369/2011 of the Judicial First Class Magistrate Court II, Neyyattinkara 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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