

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

CrI.MC.No. 6237 of 2015 ()

AGAINST S.T. NO.121/2012 OF THE COURT OF PRINCIPAL MAGISTRATE AND
JUVENILE JUSTICE BOARD, THIRUVANANTHAPURAM
CRIME NO. 39/2011 OF POOVAR POLICE STATION , THIRUVANANDAPURAM

PETITIONER/ACCUSED:

MUHAMMED SAJEEV, AGED 21 YEARS
S/O.SAHUL HAMEED, AGED 21 YEARS,
PANAVILAKATHU VEEDU, POOVAR, TIRUPURAM,
THIRUVANANTHAPURAM.

BY ADV. SRI.S.MOHAMMED AL RAFI

RESPONDENTS/COMPLAINANT & STATE:

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1. ALI FATHIMA,D/O.MUHAMMED FATHIMA,
AGED 46 YEARS, THITTAYIL VEEDU,
POOVAR BEACH ROAD, POOVAR,
THIRUVANANTHAPURAM.
 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 SMT.SHEEBA M.T.

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. 6237 of 2015

APPENDIX

PETITIONER'S EXHIBITS:

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

ANNEXURE B: NOTARISED AFFIDAVIT SWORN BY THE 1ST RESPONDENT

/TRUE COPY/

P.S TO JUDGE

P.UBAID, J.

Crl.M.C No.6237 of 2015

Dated this the 18th day of September, 2015

O R D E R

The petitioner herein is the accused in S.T. No.121/2012 of the Juvenile Justice Board, Thiruvananthapuram. 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 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 other accused 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 petitioner herein in S.T. No.121/2012 of the Juvenile Justice Board, Thiruvananthapuram will stand quashed under Section 482 of the Code of Criminal Procedure. Accordingly, the petitioner will stand released from prosecution.

**P.UBAID
JUDGE**

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