

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. 6256 of 2015 ()

AGAINST CC 132/2010 of J.M.F.C.-II(FOREST OFFENCES),PUNALUR
CRIME NO. 214/2005 OF ANCHAL POLICE STATION , KOLLAM

PETITIONER(S)/ACCUSED:

1. WAHAB, AGED 34 YEARS
S/O.ALI AKBAR, VALAMKODU PUTHEN VEEDU, VENCHEBU MURI
KARAVLOOR VILLAGE, KOLLAM
2. SAJEERB AGED 30 YEARS
S/O. ABDUL MAJEED, VALAMKODU SABEENA MANSIL
VENCHEBU MURI, KARAVLOOR VILLAGE, KOLLAM

BY ADV. SRI.SYAM J SAM

RESPONDENT(S)/STATE AND DEFACTO COMPLAINANT:

1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA
2. RAHIM, AGED 39 YEARS
S/O. SHAHULHAMEED S.R HOUSE, KAITHAKODU
THADIKADU MURI, ARAKKAL VILLAGE, KOLLAM
3. SEENA, AGED 34 YEARS
W/O. RAHIM, S.R HOUSE, KAITHAKODU
THADIKADU MURI, ARAKKAL VILLAGE, KOLLAM

R2-3 BY ADV. SMT.KRISHNA RAJENDRAN
R1 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. 6256 of 2015

APPENDIX

PETITIONERS EXHIBITS:

ANNEXURE A1: THE CERTIFIED COPY OF THE CHARGE SHEET CC 132/2010
OF JFMC-II, PUNALUR, KOLLAM

ANNEXURE A2: THE AFFIDAVIT SWORN BY THE SECOND AND 3RD
RESPONDENTS

ANNEXURE A3: THE AFFIDAVIT SWORN BY THE 3RD RESPONDENT

RESPONDENTS EXHIBITS:

/TRUE COPY/

P.A TO JUDGE

P.UBAID, J.

Crl.M.C No.6256 of 2015

Dated this the 18th day of September, 2015

O R D E R

The petitioners herein are the two accused in C.C No.132/2010 of the Judicial First Class Magistrate Court II, Punalur. 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 341, 323, 294(b), 354, 451 and 427 r/w 34 of the Indian Penal Code, on the complaint of one Rahim who is the second respondent in this proceeding brought under Section 482 of the Code of Criminal Procedure. He has filed affidavit to the effect that he has settled the whole dispute with the accused, and he has no grievance or complaint now.

2. The third respondent, the other victim of offence, has also filed affidavit to the effect that she has settled the whole dispute with the accused, and she has no grievance or complaint now.

3. 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.132/2010 of the Judicial First Class Magistrate Court II, Punalur 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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