

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 18TH DAY OF FEBRUARY 2015/29TH MAGHA, 1936

Crl.MC.No. 5379 of 2014 ()

AGAINST CC 239/2014 of J.M.F.C.,KASARAGOD
CRIME NO. 601/2013 OF KASARAGOD POLICE STATION, KASARGOD

PETITIONER(S)/ACCUSED 1 TO 7:

1. MOIDEEN NIZAMUDEEN AGED 19 YEARS
S/O. HASSAINAR.M.A. SHAIMA MANZIL, RAHMATH NAGAR
MALLAM, KULIYAR, KASARAGOD.
2. MUHYUDEEN MURSHID, AGED 21 YEARS
S/O. C.N. ABDULLA, NEERCHAL, CHENGALA
KASARAGOD.
3. HARSHAD @ ARSHAD, AGED 22 YEARS
S/O. MUHAMMED HANEEFA, SAFA MANZIL, MEETHAL MYLATTY
KASARAGOD.
4. ABDUL SATHAR.P.M. AGED 23 YEARS
S/O. MUHAMMEDKUNHI, SAHID MANZIL, PANILAM
PEROOR, CHENGALA, KASARAGOD.
5. IRFAN.K.A. AGED 21 YEARS
S/O. ABDULLA, ARAFA MANZIL, POVVAL
MULAYAR, KASARAGOD.
6. UNAIS.P. AGED 20 YEARS
S/O. MUHAMMED, NALAPPATT HOUSE, PUTHIGE
SEETHAMGOLI, KASARAGOD.
7. AHAMMED NAHI, AGED 21 YEARS
S/O. K.S. MAHADOOD, ORPHANAGE JUNCTION, NAIMARMOOLA
ALAMPADY, KASARAGOD.

BY ADV. SRI.S.JIJI

RESPONDENT(S)/STATE AND INJURED:

1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM -682 031.
2. SREENATH, AGED 21 YEARS
S/O. BALACHANDRAN, BALAMTHODE HOUSE, PANATHADY
KASARAGOD 691 123.
3. VAISAKH RAGHAVA,, AGED 20 YEARS
S/O. RAGHAVA, VALLIYOD, VARAKKAD
KODAMALA, KASARAGOD 691123.

4. SREEKANTHA,, AGED 21 YEARS
S/O. MADHAVA, JAYAPURAM HOUSE, MUNNAD.P.O.
KASARAGOD.

5. SARATH.S., AGED 20 YEARS
S/O. SASIDHARAN, MATTILAMKODE HOUSE, KOLATHUR
KASARAGOD 691124.

R2-5 BY ADV. SMT.K.S.SANTHI
R1 BY PUBLIC PROSECUTOR SMT.P.MAYA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
18-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Crl.MC.No. 5379 of 2014 ()

APPENDIX

PETITIONER(S)' EXHIBITS

ANX.A1. TRUE COPY OF FIR IN CR. 601/2013 OF KASARAGOD POLICE STATION.

ANX.A2. CERTIFIED COPY OF FINAL REPORT IN CR. NO. 601/2013 OF
KASARAGOD POLICE STATION.

ANX.A3A. AFFIDAVIT DATED 30-4-2014 SWORN BY THE 2ND RESPONDNET.

ANX.A3B.AFFIDAVIT DATED 30-4-2014 SWORN BY THE 3RD RESPONDNET.

ANX.A3C.AFFIDAVIT DATED 30-4-2014 SWORN BY THE 4TH RESPONDNET.

ANX.A3D.AFFIDAVIT DATED 30-4-2014 SWORN BY THE 5TH RESPONDNET.

RESPONDENT(S)' EXHIBITS

/TRUE COPY/

P.S TO JUDGE

P.UBAID, J.
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**Crl.M.C No.5379 of 2014**  
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Dated this the 18th February, 2015

ORDER

The petitioners herein are the seven accused in C.CNo.239 of 2014 of the Judicial First Class Magistrate's Court, Kasaragod. 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, 341, 506 (I) and 323 read with 149 of Indian Penal Code on the complaint of one Sreenath, who is the 2nd 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 other persons, who sustained injuries in the alleged incident are the respondents 3 to 5 in this proceeding. They have also filed separate affidavit to the effect that they have settled the whole dispute with the accused, and they have 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, and I am satisfied that the parties are now on quite cordial terms. 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.239 of 2014 of the Judicial First Class Magistrate's Court, Kasaragod 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.

**Sd/-
P.UBAID
JUDGE**

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/True copy/

P.S to Judge