

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. 5381 of 2014 ()

AGAINST CC 618/2014 of C.J.M.,KASARAGOD D
CRIME NO. 127/2012 OF KASARAGOD POLICE STATION , KASARGOD

PETITIONER(S)/ACCUSED 1 TO 7:

1. AHAMMED ASHFAK AGED 23 YEARS
S/O. ABOOBACKER, KUNNERIYATHKUNNIL HOUSE
CHEMNAD POST & VILLAGE, KASARAGOD.
2. MOIDEEN NIZAMUDDIN, AGED 19 YEARS
S/O. HASSAINAR.M.A., SHAIMA MANZIL, RAHMATH NAGAR
MALLAM, MULIYAR, KASARAGOD.
3. ARSHAD.A. AGED 21 YEARS
S/O. HANEEFA, MEETHAL ETHEL, NALAMVATHUKKAL
BARA, KASARAGOD.
4. MUHYUDDEEN MURSHID, AGED 21 YEARS
S/O. C.N. ABDULLA, K.K.PURAM, NEERCHAL
CHERKALA, CHENGALA, KASARAGOD.
5. FAZIL FAYAS, AGED 23 YEARS
S/O. MUHAMMEDKUNHI, BAITHUL FOUZI HOUSE
CHENGALA POST & VILLAGE, KASARAGOD.
6. NAVAS.P.K. AGED 21 YEARS
S/O. KHADER, PALOTH HOUSE, PANALAM.P.O.
CHEROOR, KASARAGOD.
7. SAYYAD THAHA, AGED 21 YEARS
S/O. HANEEFA THANGAL, THAHA MANZIL, K.K. KUNNIL
CHEROOR, KASARAGOD.

BY ADV. SRI.S.JIJI

RESPONDENT(S)/STATE AND INJURED:

1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM -682031.
2. SREEJITH.M., AGED 27 YEARS
S/O. P. BHASKARAN, MECHOLAM HOUSE, MUNNAD
KASARAGOD - 691 123.
3. RAJESH.C., AGED 22 YEARS
S/O. K. NARAYANAN, PALLAMTHADKA, MOVVAR
KUMBADAJE, KASARAGOD - 691124.

R2-3 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. 5381 of 2014 ()

APPENDIX

PETITIONER(S)' EXHIBITS

ANX.A1. CERTIFIED COPY OF FIR IN CR. 127/2012 OF KASARAGOD POLICE STATION.

ANX.A2. CERTIFIED COPY OF FINAL REPORT IN CR. NO. 127/2012 OF KASARAGOD POLICE STATION.

ANX.A3A. AFFIDAVIT DATED 22-4-2014 SWORN BY THE 2ND RESPONDENT.

ANX.A3B. AFFIDAVIT DATED 21-4-2014 SWORN BY THE 3RD RESPONDENT.

RESPONDENT(S)' EXHIBITS

/TRUE COPY/

P.S TO JUDGE

P.UBAID, J.
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**Crl.M.C No.5381 of 2014**  
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Dated this the 18th February, 2015

ORDER

The petitioners herein are the seven accused in C.C No.618/2014 of the Chief Judicial 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, 323 and 324 read with 149 of Indian Penal Code on the complaint of one Sreejith, 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 person who sustained injuries in the alleged incident is the 3rd respondent in this proceeding. He has also filed affidavit to the effect that he has settled the whole dispute with the accused, and he 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, 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.618 of 2014 of the Chief Judicial 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