

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 26TH DAY OF FEBRUARY 2015/7TH PHALGUNA, 1936

Crl.MC.No. 5393 of 2014 ()

**IN CC 335/2014 of J.M.F.C-I, PERINTHALMANNA
CRIME NO. 38/2014 OF KOLATHUR POLICE STATION , MALAPPURAM**

PETITIONER(S)/ACCUSED:

- 1. SABITH C.
II YEAR B.SC MLT
MES INSTITUTE OF PARA MEDICAL SCIENCE, PERINTALMANNA
MALAPPURAM DISTRICT.**
- 2. SONU K.P.
II YEAR B.SC MLT
MES INSTITUTE OF PARA MEDICAL SCIENCE, PERINTALMANNA
MALAPPURAM DISTRICT.**
- 3. ABDUL SHAHID
II YEAR B.SC MLT
MES INSTITUTE OF PARA MEDICAL SCIENCE, PERINTALMANNA
MALAPPURAM DISTRICT.**

BY ADV. SRI.P.SAMSUDIN

RESPONDENT(S)/STATE AND DEFACTO COMPLAINANT:

- 1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM 682 031**
- 2. AUSAF AHSAN
1 YEAR BSC MLT
MES INSTITUTE OF PARA MEDICAL SCIENCE
PERINTALMANNA-679 322 MALAPPURAM DISTRICT**

**R2 BY ADV. SRI.K.C.ANTONY MATHEW
R1 BY PUBLIC PROSECUTOR SMT. SAREENA GEORGE. P**

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 26-02-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Crl.MC.No. 5393 of 2014 ()

APPENDIX

PETITIONER(S)' EXHIBITS

ANNX.A1 - TRUE COPY OF THE FIR IN CRIME NO.38/2014 OF KOLATHUR POLICE STATION

ANNX.A2 - TRUE COPY OF THE SUSPENSION ORDER DATED 17-01-2014

ANNX.A3 - THE ORIGINAL OF THE AFFIDAVIT SWORN IN BY THE 2ND RESPONDENT DATED 07-02-2014

ANNX.A4 - TRUE COPY OF LETTER WRITTEN BY THE 2ND RESPONDENT TO THE COURSE DIRECTOR MES INSTITUTE OF PARA MEDICAL SCIENCE PERINTALMANNA DATED 18-01-2014

ANNX.A5 - TRUE COPY OF THE FINAL REPORT IN CRIME NO.38/2014 OF KOLATHUR POLICE STATION.

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

PA TO JUDGE
sab

P.UBAID, J.

Crl. M.C No.5393 of 2014

Dated this the 26th day of February, 2015.

O R D E R

The petitioners herein are the accused in C.C No.335 of 2014 of the Judicial First Class Magistrate Court-I, Perintalmanna. 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 r/w 34 of IPC and Section 4 of the Kerala (Prohibition of Ragging) Act on the complaint of one Ausaf Ahsan 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. 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 proceedings 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.335 of 2014 of the Judicial First Class Magistrate Court-I, Perintalmanna will stand quashed under Section 482 of the Code of Criminal Procedure. Accordingly, the petitioners will stand released from prosecution.

P.UBAID,
JUDGE