

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 15TH DAY OF OCTOBER 2015/23RD ASWINA, 1937

Cr1.MC.No. 6688 of 2015

IN CC 363/2015 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT II,
KANNUR

CRIME NO. 710/2014 OF IRIKKUR POLICE STATION, KANNUR

PETITIONERS/PETITIONERS:

1. SAJJAD, AGED 21 YEARS,
S/O.MUHAMMED, KUNNUPURATH EKARATHE PURAYIL HOUSE,
BLATHUR, KALLIAD.
2. MUHAMMED P.P, AGED 56 YEARS,
S/O.FATHIMA,
R/A.PULLANHIYOTTU PUTHIYA PURAYIL HOUSE, BLATHUR,
KALLIAD, KANNUR
3. UVAISE V.V, AGED 20 YEARS,
S/O.UMMER, R/A.VALAYAM VALAPPIL HOUSE, BLATHUR,
KALLIAD, KANNUR
4. SHABIR BADRI.M, AGED 31 YEARS,
S/O.ABDUL RAHIMAN,
R/A.MAYILOTH PUTHIYA PURAYIL HOUSE,
IRIKKUR AMSOM AND DESOM, KANNUR

BY ADV. SRI.MAHESH V RAMAKRISHNAN

RESPONDENTS/RESPONDENTS:

1. STATE OF KERALA
REP BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM, 682031
2. MUSTHAFFA P.P, AGED 55 YEARS,
S/O.KHADER, BUSINESS , PALAKKAL PUTHIYA PURAYIL HOUSE,
BLATHOOR, KALLIAD AMSOM, IRITTY TALUK, KANNUR-670593
3. AHAMMEDKUTTY MUSALIAR P.O, AGED 45 YEARS,
S/O.KHADER, PALAKKAL PUTHIYA PURAYIL HOUSE,
BLATHOOR, KALLIAD AMSOM, IRITTY TALUK, KANNUR 670593
4. SHARFUDHEEN C.H, AGED 32 YEARS
S/O.MOIDEENKUTTY, SEENATH MANIL, BLATHOOR,
KALLAIAD AMSOM, IRITTY TALUK, KANNUR DISTRICT 670593

R2,3,4 BY ADV. SRI.S.UNNIKRISHNAN (VARKALA)

R1 BY PUBLIC PROSECUTOR SRI.JUSTIN JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 15-10-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Cr1.MC.No. 6688 of 2015

APPENDIX

PETITIONERS' ANNEXURES:

ANNEXURE A1:-CERTIFIED COPY OF THE FIRST INFORMATION REPORT DTD
24/11/2014 IN CRIME NO 710/2014 OF THE IRIKKUR POLICE STATION

ANNEXURE A2:-CERTIFIED COPY OF THE CHARGE SHEET DTD NIL CC NO 363
OF 2015

ANNEXURE A3:-THE AFFIDAVIT DTD 25/9/2015 SWORN TO BY THE
RESPONDENT NO 2 AND ATTESTED BY AN ADVOCATE

ANNEXURE A4:-THE AFFIDAVIT DTD 25/9/2015 SWORN TO BY THE
RESPONDENT NO 3 AND ATTESTED BY AN ADVOCATE

ANNEXURE A5:-THE AFFIDAVIT DTD 25/9/2015 SWORN TO BY THE BY THE
RESPONDENT NO 4 AND ATTESTED BY AN ADVOCATE

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.6688 of 2015

Dated this the 15th day of October, 2015

O R D E R

The petitioners herein are the four accused in C.C No.363/2015 of the Judicial First Class Magistrate Court II, Kannur. 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 and 323 r/w 34 of the Indian Penal Code on the complaint of one Musthaffa 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 respondent Nos.3 and 4 in this proceeding. They have also filed 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. 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. The counter case also stands settled and quashed.

In the result, this petition is allowed. The prosecution against the petitioners herein in C.C No.363/2015 of the Judicial First Class Magistrate Court II, Kannur 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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