

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. 6736 of 2015  
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IN SC 261/2014 OF THE SESSIONS COURT, ALAPPUZHA

CRIME NO. 1421/2011 OF KAYAMKULAM POLICE STATION,  
ALAPPUZHA

PETITIONER/ACCUSED:  
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SHAMNAD, AGED 25 YEARS,  
S/O.BASHEER, PUTHENPARAMBIL,  
KANDALLOOR NORTH,  
PATTOLOI MARKET P.O, KAYAMKULAM,  
ALAPPUZHA.

BY ADV. SRI.P.SHANES METHAR

RESPONDENTS/COMPLAINANT:  
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1. STATE OF KERALA  
REPRESENTED BY PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA,  
ERNAKULAM 682 031.
2. SULFI, AGED 21 YEARS,  
S/O.ISMAILKUNJU, VILAYILTHARAYIL HOUSE,  
KEERIKADU VILLAGE, KAYAMKULAM P.O,  
ALAPPUZHA.

R2 BY ADV. SRI.BENSON J LAWRANCE  
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. 6736 of 2015  
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APPENDIX

PETITIONER'S ANNEXURES:  
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ANNEXURE 1. COPY OF THE FIR IN CRIME NO.1421/11 OF  
KAYAMKULAM POLICE STATION, ALAPPUZHA.

ANNEXURE II. COPY OF CHARGE IN CRIME SHEET IN SC 261/14  
ON THE FILE OF SESSIONS COURT, ALAPPUZHA IN NO.1421/2011  
OF KAYAMKULAM POLICE STATION, ALAPPUZHA.

ANNEXURE III. COPY OF THE VISA ISSUED FOR THE PETITIONER.

ANNEXURE IV. COPY OF AFFIDAVIT SWORN BY THE 2ND  
RESPONDENT.

RESPONDENTS' ANNEXURES:  
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NIL

//TRUE COPY//

P.A TO JUDGE

ab

**P.UBAID, J.**

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**Crl.M.C No. 6736 of 2015**  
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Dated this the 15<sup>th</sup> day of October, 2015

**O R D E R**

The petitioner herein is the accused in S.C No.261/2014 of the Sessions Court, Alappuzha. He seeks orders quashing the prosecution on the ground of amicable settlement of the whole dispute between him and the de facto complainant. Crime in this case was registered under Sections 324, 341, 323 and 427 r/w 34 of the Indian Penal Code and Section 23 of the Juvenile Justice Act on the complaint of one Sulfi who is the 2<sup>nd</sup> 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. He is now aged 21 years.

2. 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.

3. On a perusal of the materials I find that this is a case of mere assault causing some injuries. It is not known how this will come under Section 23 of the Juvenile Justice Act. A mere assault made on a juvenile by somebody other than the person having charge of the juvenile, or control over the juvenile will not come under Section 23 of the Juvenile Justice Act. Anyway, the parties have come to terms and the whole dispute stands resolved forever.

In the result, this petition is allowed. The prosecution against the petitioner herein in S.C No.261/2014 of the Sessions Court, Alappuzha will stand quashed under Section 482 of the Code of Criminal Procedure. Accordingly, the petitioner will stand released from prosecution, and the bail bond, if any, executed by him will stand discharged.

**P.UBAID  
JUDGE**

**ab**