

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 27TH DAY OF OCTOBER 2015/5TH KARTHIKA, 1937

Crl.MC.No. 6920 of 2015

**-----
CC 230/2009 of J.M.F.C.-I, ATTINGAL**

**CRIME NO. 128/2008 OF KADINAMKULAM POLICE STATION,
THIRUVANANTHAPURAM**

PETITIONER(S)/A1 TO A3 :-

- 1. SAKEER, AGE 40, S/O.SAINULABUDEEN,
SAHILALAYAM VEEDU, PUTHUKURICHI,
KADINAMKULAM VILLAGE, THIRUVANANTHAPURAM.**
- 2. SULFI, AGE 35, S/O.LATHEEF,
THYVILAKOM VEEDU, PUTHUKURICHI,
KADINAMKULAM VILLAGE, THIRUVANANTHAPURAM.**
- 3. KABEER, AGE 45, S/O.MOHAMMED FASIL,
THYVILAKOM VEEDU, PUTHUKURICHI THERUVU,
KADINAMKULAM VILLAGE, THIRUVANANTHAPURAM.**

BY ADV. SRI.SHAJIN S.HAMEED

RESPONDENT(S)/STATE, CW1 & CW2 :-

- 1. STATE OF KERALA, REPRESENTED BY
THE SUB INSPECTOR OF POLICE,
KADINAMKULAM POLICE STATION,
REPRESENTED THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKKULAM.**
- 2. SHANIFA, AGE 45, D/O.FATHIMUTHU,
THYVILAKOM VEEDU, PUTHUKURICHI THERUVU,
PUTHUKURICHI DESOM, KADINAMKULAM VILLAGE,
THIRUVANANTHAPURAM, PIN - 695 024.**
- 3. NASEER, AGE 47, S/O.BASEER,
THYVILAKOM VEEDU, PUTHUKURICHI THERUVU,
PUTHUKURICHI DESOM, KADINAMKULAM VILLAGE,
THIRUVANANTHAPURAM, PIN - 695 024.**

R2 & R3 BY ADV. SRI.HRITHWIK

R1 BY SRI.JUSTIN JACOB, PUBLIC PROSECUTOR

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 27-10-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

rkj

APPENDIX

PETITIONER(S)' ANNEXURES :-

**ANNEXURE A : CERTIFIED COPY OF THE FIR IN CRIME NO.128/2008 OF
KADINAMKULAM POLICE STATION.**

**ANNEXURE B : CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO.128/2008 OF
KADINAMKULAM POLICE STATION.**

**ANNEXURE C : AFFIDAVIT SWORN BY THE 2ND RESPONDENT STATING
SETTLEMENT OF DISPUTE.**

**ANNEXURE D : AFFIDAVIT SWORN BY THE 3RD RESPONDENT STATING
SETTLEMENT OF DISPUTE.**

RESPONDENT(S)' ANNEXURES :- NIL

//TRUE COPY//

P.A. TO JUDGE

rkj

P.UBAID, J.

=====
Crl.M.C.No.6920 of 2015
=====

Dated this the 27th day of October, 2015

ORDER

The petitioners herein are the three accused in C.C.No.230 of 2009 of the Judicial First Class Magistrate Court-I, Attingal. 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 294(b), 323, 324 and 354 read with Section 34 of the Indian Penal Code on the complaint of one Shanifa, who is the 2nd respondent in this proceeding brought under Section 482 of the Code of Criminal Procedure. She has filed affidavit to the effect that she has settled the whole dispute with the accused, and she has no grievance or complaint now. The other victim of offence 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.

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 further 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.230 of 2009 of the

Judicial First Class Magistrate Court-I, Attingal 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**

rkj

//TRUE COPY//

P.A. TO JUDGE