

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

MONDAY, THE 9TH DAY OF MARCH 2015/18TH PHALGUNA, 1936

Cr1.MC.No. 6133 of 2014

CRIME NO. 444/2014 OF VIDYA NAGAR POLICE STATION, KASARGOD

PETITIONERS:

1. MAHIN.K.A, AGED 21 YEARS,
S/O.K.M.ABDULLA KUNHI, RESIDING AT KALLATRA HOUSE,
MUKKUNNOTH VAYAL, KALANAD, KASARAGOD DISTRICT.
2. ABDULLA JAMSHAD A.A, AGED 21 YEARS,
S/O.ABDUL RAHIMAN A.A, RESIDING AT KALANAD
KALANAD P.O, HOSDURG TALUK, KASARAGOD DISTRICT.
3. ABDUL AZIZ C.Z,
S/O.SAINUDEEN, RESIDING AT RABINA MANZIL,
NAYANMARMOOLA, KASARAGOD DISTRICT.
4. MUHAMMAD AVINAS K.A,
S/O.ABDUL RAHIMAN, RESIDING AT CAM QUARTERS,
THAYALANGADI, KASARAGOD DISTRICT.
5. ABDULLA T.M,
S/O.MUHAMAD N.A, RESIDING AT THERUVATH, THALANKARA,
KASARAGOD DISTRICT.

BY ADV. SRI.T.MADHU

RESPONDENTS:

1. MOHAMMED NIHAL JABEEN, AGED 19 YEARS,
S/O.SHIYASUDDIN K.M,
RESIDING AT KUZHIKANDATHIL HOUSE, CHOORI,
R.D NAGAR P.O,
KASARAGOD TALUK AND DISTRICT. 676 305.
2. MANZOOR K.S, AGED 20 YEARS,
S/O.KUNHABDULLA.K, RESIDING AT SHAMSUDHEEN MANZIL,
BILAI NAGAR, PALLIKKERE P.O, KASARAGOD TALUK
KASARAGOD DISTRICT-676 316.
3. STATE OF KERALA
THROUGH THE STATION HOUSE OFFICER
VIDYANAGAR POLICE STATION
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM 682 031.

R1-2 BY ADV. SMT.G.SANGEETHA
R3 BY PUBLIC PROSECUTOR SMT.P.MAYA

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON
09-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Cr1.MC.No. 6133 of 2014

APPENDIX

PETITIONERS' ANNEXURES:

ANNEXURE A1. COPY OF THE FIR IN CRIME NO.444/14 OF VIDYANAGAR
POLICE STATION.

ANNEXURE A2. COPY OF THE AFFIDAVIT DATED 11.10.14 SWORN IN BY THE
1ST RESPONDENT.

ANNEXURE A3. COPY OF THE AFFIDAVIT DATED 11.10.14 SWORN IN BY THE
2ND RESPONDENT.

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.6133 of 2014

Dated this the 9th day of March, 2015

O R D E R

The petitioners seek orders quashing the F.I.R and further proceedings in Crime No.444/2014 of the Vidyanagar Police Station, registered under Sections 143 and 147 of the Indian Penal Code and under Section 4 of the Kerala Prohibition of Ragging Act. Orders are sought on the ground of amicable settlement of the whole dispute between the accused and the respondents out of court. In fact the complainant in this case is the Principal of the College. The details of the alleged offence, and the details of the accused are not there in the complaint. Anyway the parties have come to terms amicably and they are now on quite cordial terms within the campus and beyond the campus. The victims of offence are the respondents 1 and 2 in this proceeding. They have filed affidavit to the effect that they have settled the whole dispute with the accused, and they have no grievance or complaint

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; be it at the crime stage or at the trial stage or even at the appellate or revisional stage; if the parties have really settled the whole dispute, or if continuance of the prosecution will not serve any purpose. Here, I find a real case of settlement between the parties, and I also find that continuance of prosecution in such a situation will not serve any purpose other than wasting the precious time of the court, when the case ultimately comes before the court.

In the result, this petition is allowed. The F.I.R and further proceedings in Crime No.444/2014 of the Vidyanagar Police Station will stand quashed under Section 482 of the Code of Criminal Procedure.

**P.UBAID
JUDGE**

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