

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

MONDAY, THE 23RD DAY OF NOVEMBER 2015/2ND AGRAHAYANA, 1937

Crl.MC.No. 7366 of 2015

SC 236/2013 OF ADDL. SESSIONS COURT, MANJERI

CRIME NO. 105/2011 OF PONNANI POLICE STATION, MALAPPURAM

PETITIONER/ACCUSED :-

**RIYAS C.M., S/O.KUNJU,
CHAKKAT MUKKIL HOUSE,
THRIKANAPURAM,
MALAPPURAM DISTRICT.**

BY ADV. SRI.P.VENUGOPAL

RESPONDENT(S)/STATE & DEFACTO-COMPLAINANT :-

- 1. STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM - 682 031.**
- 2. MUHAMMED SHAMIL, AGED 18 YEARS,
S/O.MOIDEEN, KOTTILIL HOUSE,
VATTAMKULAM AMSOM, MUTHUR DESOM,
PANNANI TALUK, MALAPPURAM DISTRICT,
PIN - 679 577.**

**R2 BY ADV. SMT.T.J.MARIA GORETTI
R1 BY SRI.JUSTIN JACOB, PUBLIC PROSECUTOR**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 23-11-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

rkj

Crl.MC.No. 7366 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES :-

**ANNEXURE A : TRUE COPY OF THE FIRST INFORMATION REPORT IN CRIME
NO.105/2011 OF PONNANI POLICE STATION.**

**ANNEXURE B : TRUE COPY OF THE FINAL REPORT IN CRIME NO.105/2011 OF
PONNANI POLICE STATION.**

ANNEXURE C : AFFIDAVIT EXECUTED BY THE SECOND RESPONDENT.

RESPONDENT(S)' ANNEXURES :- NIL

//TRUE COPY//

P.A. TO JUDGE

rkj

P.UBAID, J.

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Crl.M.C.No.7366 of 2015
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Dated this the 23rd day of November, 2015

ORDER

The petitioner herein is the sole accused in S.C.No.236 of 2013 of the Additional Sessions Court-I, Manjeri. 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 Section 511 read with Section 377 IPC on the complaint of one Muhammed Shamil, 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. 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.

3. The victim's affidavit shows that the complaint in this case happened to be made on some misapprehension. There is reason to believe that he made a complaint at the instance of somebody. What is at the most revealed is some use of criminal force. Anyway, the parties have come to terms, and the complainant has no complaint or grievance now.

In the result, this petition is allowed. The prosecution against the petitioner herein in S.C.No.236 of 2013 of the Additional Sessions Court-I, Manjeri 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.

rkj

Sd/-
P.UBAID
JUDGE

//TRUE COPY//

P.A. TO JUDGE