

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 24TH DAY OF NOVEMBER 2015/3RD AGRAHAYANA, 1937

Crl.MC.No. 7375 of 2015

**AGAINST THE ORDER IN CRMP 309/2015 OF COURT OF SESSION, PATTAMBI
DATED 11-02-2015**

CRIME NO. 101/2015 OF PATTAMBI POLICE STATION, PALAKKAD

**C.C.NO.1145 OF 2015 OF JUDICIAL FIRST CLASS MAGISTRATE COURT,
PATTAMBI**

PETITIONER(S)/ACCUSED :-

- 1. SHAHID, AGED 25 YEARS,
S/O.ALI, VALLIYIL HOUSE, MECHERY,
VALLAPUZHA, PATTAMBI TALUK, PALAKKAD DISTRICT.**
- 2. SIDHIK, AGED 25 YEARS,
S/O.HAMSA, VALLIYIL HOUSE, MECHERY,
VALLAPUZHA, PATTAMBI TALUK, PALAKKAD DISTRICT.**

BY ADV. SRI.R.SREEHARI

RESPONDENT(S)/STATE & DEFACTO COMPLAINANT :-

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM,
THROUGH THE SUB INSPECTOR OF POLICE,
PATTAMBI POLICE STATION, PATTAMBI POST - 679 303.**
- 2. MARIYA, AGED 35 YEARS,
W/O.MAJEED, VALLIYIL HOUSE, MECHERY,
VALLAPUZHA POST, PATTAMBI TALUK,
PALAKKAD DISTRICT, PIN - 679 336.**

**R2 BY ADV. SRI.K.RAJESH SUKUMARAN
R1 BY SRI.JUSTIN JACOB, PUBLIC PROSECUTOR**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 24-11-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

rkj

Crl.MC.No. 7375 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES :-

**ANNEXURE-A1 : CERTIFIED COPY OF THE FIR IN CRIME NO.101/2015 OF PATTAMBI
POLICE STATION.**

**ANNEXURE-A2 : PHOTO COPY OF THE ORDER PASSED IN CRL.MP NO.309/2015
DATED 11/2/2015 OF THE SESSIONS COURT, PALAKKAD.**

**ANNEXURE-A3 : CERTIFIED COPY OF FINAL REPORT IN CRIME NO.101/2015 OF
PATTAMBI POLICE STATION, FILED BEFORE THE JFCM COURT,
PATTAMBI.**

ANNEXURE-A4 : AFFIDAVIT OF THE 2ND RESPONDENT.

RESPONDENT(S)' ANNEXURES :- NIL

//TRUE COPY//

P.A. TO JUDGE

rkj

P.UBAID, J.

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Crl.M.C.No.7375 of 2015
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Dated this the 24th day of November, 2015

ORDER

The petitioners herein are the two accused in C.C.No.1145 of 2015 of the Judicial First Class Magistrate Court, Pattambi. 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 452, 354 and 324 read with Section 34 of the Indian Penal Code on the complaint of one Mariya, 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.

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. It is submitted that the parties are close relatives and neighbours. On a perusal of the materials, I find that this is only a case of assault in which the victim lost her tooth, and not in fact a case under Section 354 IPC. A mere assault on a lady by itself will not come under Section 354 IPC. Anyway, the whole dispute now stands resolved amicably.

In the result, this petition is allowed. The prosecution against the petitioners herein in C.C.No.1145 of 2015 of the

Judicial First Class Magistrate Court, Pattambi 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 JDUGE