

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. 7401 of 2015 ()

**CC 3214/2014 of JUDICIAL FIRST CLASS MAGISTRATE COURT-I, HOSDRUG
CRIME NO. 746/2014 OF CHANDERA POLICE STATION, KASARGOD DISTRICT**
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PETITIONERS/ACCUSED 1 TO 4:

- 1. MUNEER C., AGED 39 YEARS, S/O. MUHAMMED
CHEMMAMKOD HOUSE, PULIKKAL, KONDOTTY
TALUK, MALAPPURAM DISTRICT, NOW RESIDING
AT KHIDMATHUL ISLAM SANGAM QUARTERS
MOOSAHAJIMUKKU, PADNE, PADNE VILLAGE
HOSDURG TALUK, KASARGOD DISTRICT**
- 2. NOUSHAD L.K., AGED 27 YEARS, S/O.LATE ABDUL SALAM
RESIDING AT PADANNA, KANTHILOTTU, KAIPADU
PADNE VILLAGE, HOSDURG TALUK, KASARAGOD DISTRICT**
- 3. MUHAMMED RAHIS P.K., AGED 24 YEARS, S/O. AHAMMED KUNHI
RESIDING AT PARAKKADAVU HOUSE, WEST OF PADANNA MUSLIM
JAMA ATH MOSQUE, PADNE VILLAGE, HOSDURG TALUK
KASARAGOD DISTRICT**
- 4. IRSHAD P., AGED 27 YEARS, S/O. ABDUL GAFOOR
RESIDING AT KODATHI HOUSE, PADANNA OLD BAZAR
PADNE VILLAGE, HOSDURG TALUK, KASARAGOD DISTRICT**

BY ADV. SRI.T.MADHU

RESPONDENTS/STATE:

- 1. SEEMA T.K., AGED 31 YEARS, W/O. JOHNSON V.T.
PUTHIYA PURAYIL, SRIKANDAPURAM, KANIARA VAYAL
KANNUR DISTRICT, NOW RESIDING AT KIDUMATUL ISLAM
SANGAM QUARTERS, PADNE, PADNE VILLAGE
HOSDURG TALUK, KASARAGOD DISTRICT - 671314**
- 2. JOHNSON V.T., AGED 37 YEARS, S/O. THOMAS
PUTHIYA PURAYIL, SRIKANDAPURAM, KANIARA VAYAL
KANNUR DISTRICT, NOW RESIDING AT KIDUMATUL ISLAM
SANGAM QUARTERS, MOOSAHAJIMUKKU, PADNE
PADNE VILLAGE, HOSDURG TALUK, KASARAGOD DISTRICT - 671314**
- 3. SABU JOSE, AGED 39 YEARS, S/O. L.K. JOSE, RESIDING AT ABDURKATTA
ADINADOOR VILLAGE, SOMAWARPETTA, KUDAGU TALUK
STATE OF KARNATAKA -571323**

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- 4. A.K. MURALI, AGED 39 YEARS, S/O. KUMARAN, RESIDING AT
ABDURKATTA, ADINADOOR VILLAGE, SOMAWARPETTA
KUDAGU TALUK, STATE OF KARNATAKA - 571323**
- 5. THE STATE OF KERALA THROUGH THE STATION HOUSE
OFFICER, CHANDERA POLICE STATION, KASARAGOD DISTRICT
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM -682031**

**R1,2,3,4 BY ADV. SRI.P.R.SHIBU
R BY PUBLIC PROSECUTOR**

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

APPENDIX

PETITIONERS' EXHIBITS

ANNEXURE A1	CERTIFIED COPY OF THE FIR IN CRIME NO.746/2014 OF CHANDERA POLICE STATION
ANNEXURE A2	CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO.746/2014 OF CHANDERA POLICE STATION
ANNEXURE A3	AFFIDAVIT DATED 01.11.2015 SWORN IN BY THE 1ST RESPONDENT
ANNEXURE A4	AFFIDAVIT DATED 01.11.2015 SWORN IN BY THE 2ND RESPONDENT
ANNEXURE A5	AFFIDAVIT DATED 01.11.2015 SWORN IN BY THE 3RD RESPONDENT
ANNEXURE A6	AFFIDAVIT DATED 01.11.2015 SWORN IN BY THE 4TH RESPONDENT
ANNEXURE A7	CERTIFIED COPY OF THE MEMO OF EVIDENCE IN CRIME NO.746/2014 OF CHANDERA POLICE STATION

RESPONDENTS' EXHIBITS

NIL

// TRUE COPY //

P.A.TO JUDGE

SD

P. UBAID, J.

Crl.M.C.No.7401 of 2015

Dated this the 24th day of November, 2015

O R D E R

The petitioners herein are the accused in C.C. No.3214/2014 of the Judicial First Class Magistrate Court-I, Hosdurg. 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 143, 147, 149, 354, 452, 506(i) and 323 IPC, on the complaint of one Seema, who is the 1st 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 persons who sustained injuries in the alleged incident are the respondent Nos.2 to 4 in this proceeding. They have also filed affidavit to the effect that they have settled the whole dispute with the accused, and they have 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. 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.3214/2014 of the Judicial First Class Magistrate Court-I, Hosdurg 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

sd

// True Copy // P.A. to Judge

