

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 27TH DAY OF FEBRUARY 2015/8TH PHALGUNA, 1936

CrI.MC.No. 6278 of 2014 ()

AGAINST CP 66/2014 of J.M.F.C.,VADAKKANCHERRY
CRIME NO. 570/2014 OF ERUMAPETTY POLICE STATION , TRISSUR

PETITIONER(S)/ACCUSED:

1. JILOPHER C.J AGED 25 YEARS
S/O. JABBAR, CHEMBRAYOOR HOUSE, CHIRAMANEGAD P.O.
THRISSUR DISTRICT
2. RIYAS P.U AGED 25 YEARS
S/O. UMMER, PULICHARAMVEETIL HOUSE, CHIRAMANEGAD P.O.
THRISSUR DISTRICT.
3. JASSAR AGED 23 YEARS
S/O. USMAN, THAIPARAMBIL HOUSE, CHIRAMANEGAD P.O.
THRISSUR DISTRICT.
4. SHEMEER P.U AGED 24 YEARS
S/O. YOUSAF, CHIRAMANEGAD P.O., THRISSUR DISTRICT.
5. VAHID K.J AGED 24 YEARS
S/O. JAMAL, KARAMKULAM HOUSE, CHIRAMANEGAD P.O.
THRISSUR DISTRICT.
6. RAPHY AGED 24 YEARS
S/O. ABOOBACKER, PUTHENVEETIL HOUSE
CHIRAMANEGAD P.O., THRISSUR DISTRICT.
7. NISHAD C.M AGED 26 YEARS
S/O. MARAKKAR, CHEMBRAYOOR HOUSE, CHIRAMANEGAD P.O.
THRISSUR DISTRICT.

BY ADVS.SRI.P.SANTHOSH (PODUVAL)
SMT.R.RAJITHA
SRI.K.D.SREEVISAKH

RESPONDENT(S)/STATE & DEFACTO COMPLAINANT:

1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM - 682 031.
2. SUVILAL
S/O. VELAYUDHAN, KALATHIL HOUSE, CHIRAMANEGAD P.O.
THRISSUR DISTRICT - 680 604.

R BY PUBLIC PROSECUTOR

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
27-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Crl.MC.No. 6278 of 2014 ()

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE A - CERTIFIED COPY OF THE FIR IN CRIME NO. 570/2014 OF
ERUMAPETTY POLICE STATION.

ANNEXURE B - CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO. 570/2014
OF ERUMAPETTY POLICE STATION.

ANNEXURE C - AN AFFIDAVIT FILED BY THE 2ND RESPONDENT.

RESPONDENT(S)' EXHIBITS

/TRUE COPY/

P.S TO JUDGE

P.UBAID, J.
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**Crl.M.C No.6278 of 2014**  
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Dated this the 27th February, 2015

ORDER

The petitioners herein are the seven accused in C.P. No.66 of 2014 of the Judicial First Class Magistrate Court, Wadakkancherry. 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, 148, 341, 323, 324 and 308 read with 149 of Indian Penal Code on the complaint of one Suvilal, 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 the

prosecution 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. On a perusal of the materials, I find that there is absolutely no material for a prosecution under Section 308 of I.P.C in this case and that the said section was incorporated by the Police on the basis of a purely hypothetical statement. What is at the most attracted is the offence under Section 324 I.P.C.

In the result, this petition is allowed. The prosecution against the petitioners herein in C.P.No.66 of 2014 of the Judicial First Class Magistrate's Court, Wadakkancherry 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**

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/True copy/
P.S to Judge