

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 4TH DAY OF DECEMBER 2015/13TH AGRAHAYANA, 1937

Crl.MC.No. 7487 of 2015 ()

**AGAINST THE ORDER IN SC 11/2014 of D.C.& SESSIONS COURT,MANJERI DATED
CRIME NO. 31/2011 OF PERINTHALMANNA POLICE STATION , MALAPPURAM**

PETITIONER(S)/ACCUSED::

- 1. ABDUL VAHAB AGED 24 YEARS
S/O.SAIDALAVI, KALAMBARAMBAN HOUSE, CHERAKKAPARAMBU
ANGADIPPURAM, PERINTHALMANNA, MALAPPURAM DISTRICT.**
- 2. ISMAYIL, AGED 28 YEARS
S/O.IBRAHIM, CHALLAPPURATH, ANGADIPPURAM
CHERAKKAPARAMBU, PERINTHALMANNA, MALAPPURAM DISTRICT.**
- 3. ABDUL LATHEEF AGED 30 YEARS
S/O.IBRAHIM, CHALLAPPURATH, ANGADIPPURAM
CHERAKKAPARAMBU, PERINTHALMANNA, MALAPPURAM DISTRICT.**
- 4. JAFFAR AGED 29 YEARS
S/O.ABDHUL GAFOOR, PERAYIL, CHERAKKAPARAMB EAST
ANGADIPPURAM PERINTHALMANNA, MALAPPURAM DISTRICT.**
- 5. THAJUDHEEN, AGED 24 YEARS
S/O.EANU, PATHARI, ANGADIPPURAM
CHERAKKAPARAMBU, PERINTHALMANNA, MALAPPURAM DISTRICT.**
- 6. MUNEER AGED 29 YEARS
S/O.MUHAMMED ALI, PERUMBAN CHERAKKAPARAMB EAST
ANGADIPPURAM, PERINTHALMANNA, MALAPPURAM DISTRICT.**
- 7. MUHAMMAD SHAFFI AGED 26 YEARS
S/O.POOKOYA, PANAYATHIL, CHERAKKAPARAMB EAST
ANGADIPPURAM, PERINTHALMANNA, MALAPPURAM DISTRICT.**
- 8. MUHAMMAD SHABEER AGED 25 YEARS
S/O.MUHAMMAD ALI, PERAYIL HOUSE, CHERAKKA PARAMB EAST
ANGADIPPURAMPERINTHALMANNA, MALAPPURAM DISTRICT.**
- 9. MUBARAK AGED 29 YEARS
S/O.SAIDALAVI, KALAMPARAMBIL, CHERAKKAPARAMBU
ANGADIPPURAM, PERINTHALMANNA, MALAPPURAM DISTRICT.**
- 10. SHOWKKATHALI AGED 25 YEARS
S/O.EBRAHIM, CHELLAPPURAM, CHERAKKAPARAMBU EAST
ANGADIPPURAM PERINTHALMANNA, MALAPPURAM DISTRICT.**

BY ADV. SRI.C.M.KAMMAPPU

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

1. STATE OF KERALA
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM 682 031 (THROUGH STATION HOUSE OFFICER
KOLATHUR POLICE STATION, MALAPPURAM DISTRICT)
2. SHAFEEK, AGED 49 YEARS
S/O.ABDUL AZEEZ, KARIMBANAKKAL HOUSE, CHOLAKULLAM
CHERAKKAPARAMBU, PERINTHALMANNA
MALAPPURAM DISTRICT 676 123.
3. ABDUL AZEEZ, AGED 49 YEARS
S/O.MUHAMMAD, KARIMBANAKKAL HOUSE, CHOLAKULLAM
CHERAKKAPARAMBU, PERINTHALMANNA
MALAPPURAM DISTRICT 676 123.
4. SUBAIDA, AGED 46 YEARS
W/O.ABDUL AZEEZ, KARIMBANAKKAL HOUSE, CHOLAKULLAM
CHERAKKAPARAMBU, PERINTHALMANNA
MALAPPURAM DISTRICT 676 123.
5. SHAMSHAD,, AGED 18 YEARS
S/O.ABDUL AZEEZ, KARIMBANAKKAL HOUSE, CHOLAKULLAM
CHERAKKAPARAMBU, PERINTHALMANNA
MALAPPURAM DISTRICT 676 123.

R3 & 5 BY ADV. SMT.N.S.FATHIMATH SUHRA
R BY PUBLIC PROSECUTOR

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 04-12-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

CrI.MC.No. 7487 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

A: CERTIFIED COPY OF FINAL REPORT IN CRIME NO.31/2011.

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

PA TO JUDGE

avk

P.UBAID, J.

Crl.M.C.No.7487 of 2015

Dated this the 4th day of December, 2015

ORDER

The petitioners herein are the ten accused in S.C. No.11/14 of the Court of Session, Manjeri. 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, 448, 323, 506 (1), 427, r/w 149 of Indian Penal Code on the complaint of one Shafeek, 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 have no grievance or complaint now. The other persons who sustained injuries in the alleged incident are the respondent Nos. 3 to 5 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 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. The connected case pending as C.P No.13/2015, also stands quashed on settlement.

In the result, this petition is allowed. The prosecution against the petitioners in S.C. No.11/14 of the Court of Session, Manjeri, 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**

//TRUE COPY//

PA TO JUDGE

avk