

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. 7489 of 2015 ()

AGAINST THE ORDER IN CP 13/2015 of J.M.F.C-I, PERINTHALMANNA DATED
CRIME NO. 1014/2014 OF PERINTHALMANNA POLICE STATION , MALAPPURAM

PETITIONER(S)/ACCUSED:

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1. SHAFEEQ AGED 24 YEARS
S/O.MAJEED, CHEMMAMKUZHI HOUSE, ODAMALA
EDAKKAL, PERITHALMANNA, MALAPPURAM DISTRICT.
 2. MAJEED AGED 53 YEARS
S/O.HAMSA, CHEMMAMKUZHI HOUSE, ODAMALA
EDAKKAL, PERITHALMANNA, MALAPPURAM DISTRICT.
 3. RIYAS AGED 20 YEARS
S/O.MAJEED, CHEMMAMKUZHI HOUSE, ODAMALA
EDAKKAL, PERITHALMANNA, MALAPPURAM DISTRICT.
 4. MUSTHAFFA AGED 33 YEARS
S/O.KUNHU MOIDEEN, PULIKATHODI HOUSE, ODAMALA
ALIPARAMBU, PERITHALMANNA, MALAPPURAM DISTRICT.
 5. SAJEER AGED 29 YEARS
S/O.BASHEER, CHEMMAMKUZHI HOUSE, ODAMALA
EDAKKAL, PERITHALMANNA, MALAPPURAM DISTRICT.

BY ADVS.SRI.C.M.KAMMAPPU
SMT.N.S.FATHIMATH SUHRA

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

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1. STATE OF KERALA
REP BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM 682 031(THROUGH S.I OF POLICE
PERINTHALMANNA POLICE STATION, MALAPPURAM DISTRICT)
 2. SALEENA,, AGED 33 YEARS
W/O.MOHAMMED ALI, PERUMPALLI HOUSEPATHAYIKKARA
PERINTHALMANNA, MALAPPURAM DISTRICT 679 126.
 3. MOHAMMED ALI, AGED 38 YEARS
S/O.YAHOO, PERUMPALLI I HOUSE, PATHAYIKKARA
PERINTHALMANNA, MALAPPURAM DISTRICT 679 126.

R1 BY PUBLIC PROSECUTOR SMT.MADHUBAN

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

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APPENDIX

PETITIONER(S)' EXHIBITS

**AI: TRUE COPY OF THE FINAL REPORT IN CRIME NO.1014/14 OF
PERINTHALMANNA POLICE STATION**

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

PA TO JUDGE

avk

P.UBAID, J.

Crl.M.C.No.7489 of 2015

Dated this the 4th day of December, 2015

ORDER

The petitioners herein are the five accused in C.P. No.13/2015 of the Judicial First Class magistrate Court - I, Perinthalmanna. 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, 452, 323, 324, 354,308 r/w 149 of Indian Penal Code on the complaint of one Muhammad Ali, who is the 3rd 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. The other person who sustained injuries in the alleged incident is the respondent No.2 in this proceeding. She has also 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 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. A connected case (.11/2014 of the Court of Session, Manjeri) also stands quashed on settlement. In fact, on a perusal of materials I find that Section 308 IPC was incorporated in the proceedings by the Police on the basis of a purely hypothetical statement. Anyway the whole dispute stands settled, and the parties have settled the dispute in all the cases.

In the result, this petition is allowed. The prosecution against the petitioners in C.P. No.13/15 of Judicial First Class magistrate Court-I, Perinthalmanna, will stand quashed under Section 482 of the Code of Criminal Procedure. Accordingly,

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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