

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 25TH DAY OF FEBRUARY 2015/6TH PHALGUNA, 1936

Crl.MC.No. 6486 of 2013 ()

CRIME NO. 754/2013 OF BINANIPURAM POLICE STATION, ERNAKULAM

PETITIONER(S)/ACCUSED & COMPLAINANT :

- 1. MUHAMED SUHAIL AGED 21 YEARS
S/O. MOHAMMED KUNJU, PADUVATHIL HOUSE
MUPPATHADOM P.O., ELOOKKARA, ALUVA.**
- 2. MOHAMMED KUNJU
PADUVATHIL HOUSE, MUPPATHADOM P.O., ELOOKKARA
ALUVA.**

BY ADV. SRI.T.M.ABDUL LATHEEF

RESPONDENT(S)/RESPONDENTS (COMPLAINANT & STATE):

- 1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. SUB INSPECTOR OF POLICE
ALUVA EAST POLICE STATION, ALUVA-683 101.**
- 3. SUB INSPECTOR OF POLICE
BINANIPURAM POLICE STATION, BINANIPURAM
ALUVA-683 502.**
- 4. AJFAL K.A.
S/O. ABBAS, KARIPPEPADICKAL HOUSE, ULIYANNOOR P.O.
ALUVA-683 108.**

**R4 BY ADV. SMT.K.K.RAZIA
R1-3 BY PUBLIC PROSECUTOR SMT. S. HYMA**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 25-02-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE A1 : COPY OF THE COURSE AND CONDUCT DTD.24.11.2013 ISSUED BY PRINCIPAL, QUEEN MOTHER'S COLLEGE, ALUVA.

ANNEXURE A2 : COPY OF THE COMPLAINT DTD.2.8.2013 SUBMITTED BY THE 4TH RESPONDENT BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT-I, ALUVA.

ANNEXURE A3 : COPY OF THE AGREEMENT DTD.8.11.2013.

ANNEXURE A4 : COPY OF THE FIR NO.2730/13 (2728/13) DTD.5.8.2013 OF ALUVA POLICE STATION.

ANNEXURE A5 : COPY OF THE FIR NO.754/13 DTD.20.9.2013 OF THE BINANIPURAM POLICE STATION.

ANNEXURE A6 : COPY OF THE PETITION DTD.7.12.2013 SUBMITTED BY THE 1ST PETITIONER BEFORE THE CHIEF POLICE OFFICER, ERNAKULAM.

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

PA TO JUDGE
sab

P.UBAID, J.

Crl. M.C No.6486 of 2013

Dated this the 25th day of February, 2015.

O R D E R

The first petitioner herein is the first accused in crime No.2730 of 2013 of the Aluva East Police Station, registered under Sections 405, 406, 415, 420, 379 r/w 34 of IPC on the complaint of one Ajfal. The police submitted final report in the crime before the Judicial First Class Magistrate Court-I, Aluva where it was taken on file as C.C No.134 of 2015. The first petitioner seeks orders quashing the prosecution as against him on the ground of amicable settlement between him and the complainant. The de facto complainant Ajfal is the 4th respondent in this proceeding brought under Section 482 Cr.P.C. The second petitioner herein has nothing to do with the crime, and so he cannot seek any relief. The fourth respondent has filed affidavit to the the effect that he has settled the whole dispute with the accused, and he has no grievance or complaint. Of course, the accused Nos. 2 and 3

do not seek orders under Section 482 Cr.P.C. On hearing both sides and on a perusal of the complaint and the final report I find that orders in favour of the first petitioner herein will not affect the prosecution, if it proceeds against the accused Nos. 2 and 3. The complainant and the first accused have come to terms amicably, and I am well satisfied that now they are on quite cordial terms. Though the accused Nos.2 and 3 are not parties here I find that the whole dispute in fact stands practically settled. The dispute is actually something concerning a rent-a-car business, though so many offences are alleged in the complaint. When the parties have come to terms, continuance of prosecution will not serve any purpose.

In the result, this petition is allowed in part. The second petitioner's prayer will stand disallowed, because he has nothing to do with the prosecution. The prosecution against the first petitioner herein in C.C No.134 of 2015 of the Judicial First Class Magistrate Court -I, Aluva will stand quashed under Section 482 Cr.P.C. The said prosecution will continue against the accused Nos. 2 and 3.

P.UBAID,
JUDGE