

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 1ST DAY OF DECEMBER 2015/10TH AGRAHAYANA, 1937

Crl.MC.No. 7545 of 2015

CC 297/2015 of J.M.F.C.-I,HOSDRUG

CRIME NO. 198/2013 OF CHANDERA POLICE STATION , KASARGOD

PETITIONER(S)/ACCUSED NO 1 & 2:

**1. AJEER, AGED 33 YEARS,
S/O.MUHAMMEDALI,
MADAKKAL, UDUMBUMTHALA,
SOUTH THRIKARIPUR,
KASARGOD DISTRICT.**

**2. RAJEEM @ SAJEER,
RESIDING AT MADAKKAL,
UDUMBUMTHALA,
SOUTH THRIKARIPUR,
KASARGOD DISTRICT.**

**BY ADVS.SRI.K.R.AVINASH
SRI.ABDUL RAOOF PALLIPATH**

RESPONDENT(S)/DEFACTO COMPLAINANTS & STATE :-

**1. M.K.SAYED, AGED 39 YEARS,
D/O. USMAN HAJI, RESIDING AT MADAKKAL,
UDUMBUMTHALA, SOUTH THRIKARIPUR,
KASARGOD - 671 310.**

**2. FAYISA. W/O.M.K.SAYED,
RESIDING AT MADAKKAL, UDUMBUMTHALA,
SOUTH THRIKARIPUR, KASARGOD - 671 310.**

**3. THE STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**

**R1 & R2 BY ADV.SRI.C.H.ABDUL RASAC
R3 BY SMT.MADHUBEN, PUBLIC PROSECUTOR**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 01-12-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

rkj

Crl.MC.No. 7545 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES :-

**ANNEXURE A1 : TRUE COPY OF THE FINAL REPORT IN CRIME NO 198/13 OF
CHANDERA POLICE STATION, KASARAGOD.**

ANNEXURE A2 : TRUE COPY OF THE AFFIDAVIT SWORN IN BY RESPONDENTS 1 & 2.

RESPONDENT(S)' ANNEXURES :- NIL

//TRUE COPY//

P.A. TO JUDGE

rkj

P.UBAID, J.

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Crl.M.C.No.7545 of 2015

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Dated this the 1st day of December, 2015

ORDER

The petitioners herein are the two accused in C.C.No.297 of 2015 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 452, 354 and 427 of the Indian Penal Code on the complaint of one M.K.Sayed, 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 have settled the whole dispute with the accused, and she has no grievance or complaint now. The other victim of offence is the 2nd respondent 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 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, 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.

In the result, this petition is allowed. The prosecution against the petitioners herein in C.C.No.297 of 2015 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**

rkj

//TRUE COPY//

P.A. TO JUDGE