

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 21ST DAY OF JANUARY 2015/1ST MAGHA, 1936

Crl.MC.No. 6361 of 2014

CRIME NO. 656/2010 OF CHANDERA POLICE STATION , KASARGOD DISTRICT

PETITIONER(S)/ACCUSED NO. 1 AND 2 :

- 1. SULAIMAN V.P, AGED 24 YEARS,
S/O.MUHAMMED KUNHI M.T.P., T.M.S HOUSE, KOOLERI,
TRIKARIPUR P.O., SOUTH TRIKARIPUR VILLAGE,
KASARAGOD DISTRICT.**
- 2. M.T.P.IQBAL,
S/O.SHARAFUDHEEN V.P.M, BEERICHERY, TRIKARIPUR P.O.,
SOUTH TRIKARIPUR VILLAGE, KASARAGOD DISTRICT.**

**BY ADVS.SRI.T.K.VIPINDAS
SRI.K.V.SREE VINAYAKAN
SRI.K.M.HASHIR
SRI.K.M.MUHAMMED HUSSAIN**

RESPONDENT(S)/STATE :

- 1. THE STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM,
REPRESENTING STATION HOUSE OFFICER,
CHANDERA POLICE STATION - 671 321.**
- 2. T.PREEJITH, AGED 28 YEARS,
S/O.K.K.RAMAKRISHNAN, RESIDING AT PEKKADAM,
TRIKARIPUR P.O., NORTH TRIKARIPUR VILLAGE,
HOSDURG TALUK, KASARAGOD DISTRICT - 671 321.**
- 3. P.V.SURESH, AGED 46 YEARS,
S/O.N.KUNHIRAMAN, RESIDING AT PEKKADAM HOUSE,
TRIKARIPUR P.O., NORTH TRIKARIPUR VILLAGE,
HOSDURG TALUK, KASARAGOD DISTRICT - 671 321.**

**R1 BY PUBLIC PROSECUTOR SMT.P.MAYA
R2 & R3 BY ADV. SRI.A.L.GEORGE**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 21-01-2015, ALONG WITH Crl.MC.No. 297 of 2015 THE COURT
ON THE SAME DAY PASSED THE FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE A1: TRUE COPY OF THE FIR IN CRIME NO. 656/2010 OF CHANDERA
POLICE STATION.**

**ANNEXURE A2: TRUE COPY OF THE SUMMONS ISSUED TO
THE 1ST PETITIONER IN C.C. 1633/OF JUDICIAL FIRST CLASS
MAGISTRATE COURT - I, HOSDURG.**

**ANNEXURE A3: TRUE COPY OF THE AFFIDAVIT SWORN BY
THE 2ND RESPONDENT DATED 15.10.2014.**

**ANNEXURE A4: TRUE COPY OF THE AFFIDAVIT SWORN BY
THE 3RD RESPONDENT DATED 15.10.2014.**

RESPONDENT(S)' ANNEXURES :

NIL

//TRUE COPY//

P.S.TO JUDGE.

Msd.

P.UBAID, J.

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**Crl.M.C Nos.6361 of 2014  
& 297 of 2015**

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Dated this the 21st January, 2015

ORDER

The petitioners in Crl.M.C No.6361 of 2014 are the accused Nos.1 and 2 in C.C. No.1633 of 2010 of the Judicial First Class Magistrate's Court-I, Hosdurg and the petitioner in Crl.M.C No.297 of 2015 is the 3rd accused in the same case. 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 the case was registered under Sections 323 and 324 of Indian Penal Code on the complaint of one Preejith who is the 2nd respondent in these proceedings 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. The other person, who sustained injuries in the alleged incident is the 3rd respondent in these proceedings. He has also filed affidavit to the effect that He has settled

the whole dispute with the accused, and he has no grievance or complaint now.

3. 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.

In the result, these petitions are allowed. The prosecution against the petitioners in both the cases in .C.C

No.1633 of of 2010 of the Judicial First Class Magistrate's 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**

ma

/True copy/
P.S to Judge