

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 16TH DAY OF DECEMBER 2015/25TH AGRAHAYANA, 1937

Cr1.MC.No. 7861 of 2015

IN S.C 177/2015 of ADDL. SESSIONS COURT I, MANJERI

CRIME NO. 362/2014 OF MANKADA POLICE STATION , MALAPPURAM

PETITIONERS/PETITIONERS/ACCUSED:

1. MUJEEB RAHMAN.C, AGED 26 YEARS
S/O.ABDURAHIMAN, CHIRAKKAL HOUSE, KOOTIL,
MANKADA, MALAPPURAM DISTRICT.
2. ABDURAHIMAN, AGED 57 YEARS,
S/O.MUHAMMAD, CHIRAKKAL HOUSE, KOOTIL,
MANKADA, MALAPPURAM DISTRICT.
3. ANAS, AGED 28 YEARS,
S/O.ABDURAHIMAN, CHIRAKKAL HOUSE, KOOTIL,
MANKADA, MALAPPURAM DISTRICT.

BY ADV. SRI.K.DILIP

RESPONDENTS/COMPLAINANT AND STATE OF KERALA:

1. THE STATE OF KERALA
REPRESENTED BY THE SUB INSPECTOR OF POLICE,
MANKADA POLICE STATION,
THROUGH THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA AT ERNAKULAM.
2. JISHNU, AGED 17 YEARS
S/O.SAJEEV, KUNNUMMAL HOUSE, MANKADA P.O.
MALAPPURAM DISTRICT
REPRESENTED BY HIS GUARDIANAND MOTHER USHA KUMARI.
3. USHA KUMARI, AGED 36 YEARS
W/O.SAJEEV, KUNNUMMAL HOUSE, MANKADA P.O.
MALAPPURAM DISTRICT - 676 339.

R2-3 BY ADV. SRI.P.T.SHEEJISH

R1 BY PUBLIC PROSECUTOR SMT.SHEEBA M.T

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 16-12-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

Cr1.MC.No. 7861 of 2015

APPENDIX

PETITIONERS' ANNEXURES:

ANNEXURE I. COPY OF THE FINAL REPORT FILED IN CRIME
NO.362/2014 OF MANKADA POLICE STATION DATED 19.12.2014.

ANNEXURE II. COPY OF THE AFFIDAVIT SWORN BY THE 3RD
RESPONDENT HEREIN DATED 10.12.15.

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.7861 of 2015

Dated this the 16th day of December, 2015

O R D E R

The petitioners herein are the three accused in S.C No.177/2015 of the Additional Sessions Court I, 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 447 and 323 of the Indian Penal Code and also Section 23 of the Juvenile Justice Act on the complaint of one Usha Kumari who is the third respondent in this proceeding brought under Section 482 of the Code of Criminal Procedure. The victim who sustained injuries in the alleged incident is the second respondent in this proceeding. The 3rd respondent has filed affidavit for herself and on behalf of her son, 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 the prosecution in pending

proceedings, if the parties have really settled the whole dispute amicably out of court, and continuance of the further 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. 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 S.C No.177/2015 of the Additional Sessions Court I, 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//

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P.A to Judge