

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE P.UBAID**

**MONDAY, THE 21ST DAY OF DECEMBER 2015/30TH AGRAHAYANA, 1937**

**Crl.MC.No. 7920 of 2015 ()**  
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**CRIME NO. 1017/2014 OF PERINTHALMANNA POLICE STATION , MALAPPURAM**

**PETITIONER(S)/ACCUSED:**  
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- 1. ALAVI AGED 66 YEARS  
S/O.KUNJAYAMMU, ERATTAPPULAKKAL HOUSE, MUTHIRAMANNA  
THAZHEKKODU AMSOM DESOM, PERINTHALMANNA TALUK**
- 2. BASHEER  
ERATTAPPULAKKAL HOUSE, MUTHIRAMANNA  
THAZHEKKODU AMSOM DESOM, PERINTHALMANNA TALUK**
- 3. HASSAN  
ERATTAPPULAKKAL HOUSE, MUTHIRAMANNA  
THAZHEKKODU AMSOM DESOM, PERINTHALMANNA TALUK**

**BY ADV. SRI.K.C.ANTONY MATHEW**

**RESPONDENT(S)/STATE AND DEFACTO COMPLAINANT:**  
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- 1. STATE OF KERALA  
REPRESENTED BY THE PUBLIC PROSECUTOR  
HIGH COURT OF KERALA  
ERNAKULAM 682031(CRIME NO.1017/2014 OF PERINTHALMANNA POLICE  
STATION)**
- 2. MUHAMMEDALI, AGED 51 YEARS  
S/O.MUHAMMEDKUTTY, PUKKODANVEETIL HOUSE, MUTHIRAMANNA  
THAZHEKKODU AMSOM DESOM, PERINTHALMANNA TALUK  
MALAPPURAM DISTRICT 679322**
- 3. JAMEELA, AGED 42 YEARS  
W/O.MUHAMMEDALI, PUKKODANVEETIL HOUSE, MUTHIRAMANNA  
THAZHEKKODU AMSOM DESOM, PERINTHALMANNA TALUK  
MALAPPURAM DISTRICT 679322**
- 4. NASEER, AGED 30 YEARS  
S/O.MUHAMMEDKUTTY, PUKKODANVEETIL HOUSE, MUTHIRAMANNA  
THAZHEKKODU AMSOM DESOM, PERINTHALMANNA TALUK  
MALAPPURAM DISTRICT 679322**

5. HAMSAS @ HAMSAPPA, AGED 55 YEARS  
S/O.MUHAMMEDKUTTY, PUKKODANVEETIL HOUSE, MUTHIRAMANNA  
THAZHEKKODU AMSOM DESOM, PERINTHALMANNA TALUK  
MALAPPURAM DISTRICT 679322

6. JAFAR SADHIK, AGED 35 YEARS  
S/O.MUHAMMEDKUTTY, PUKKODANVEETIL HOUSE, MUTHIRAMANNA  
THAZHEKKODU AMSOM DESOM, PERINTHALMANNA TALUK  
MALAPPURAM DISTRICT 679322

7. MUHAMMEDKUTTY, AGED 70 YEARS  
S/O.POKKERHAJI, POOKKODAN HOUSE, MUTHIRAMANNA  
THAZHEKKODU AMSOM DESOM, PERINTHALMANNA TALUK  
MALAPPURAM DISTRICT 679322

R2-R7 BY ADV. SRI.P.SAMSUDIN  
R1 BY SRI JUSTIN JACOB, PUBLIC PROSECUTOR

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 21-12-2015, THE  
COURT ON THE SAME DAY PASSED THE FOLLOWING:

**Crl.MC.No. 7920 of 2015 ()**  
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**APPENDIX**

**PETITIONER(S)' EXHIBITS**  
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- ANNEXURE A1: COPY OF THE FIR IN CRIME NO.1017/2014 PERINTHALMANNA  
POLICE STATION**
- ANNEXURE A2: THE AFFIDAVIT SWORN IN BY 2ND RESPONDENT DATED  
30.11.2015**
- ANNEXURE A3: THE AFFIDAVIT SWORN IN BY 3RD RESPONDENT DATED  
30.11.2015**
- ANNEXURE A4: THE AFFIDAVIT SWORN IN BY 4TH RESPONDENT DATED  
10.12.2015**
- ANNEXURE A5: THE AFFIDAVIT SWORN IN BY 5TH RESPONDENT DATED  
10.12.2015**
- ANNEXURE A6: THE AFFIDAVIT SWORN IN BY 6TH RESPONDENT DATED  
10.12.2015**
- ANNEXURE A7: THE AFFIDAVIT SWORN IN BY 7TH RESPONDENT DATED  
10.12.2015**

**RESPONDENT(S)' EXHIBITS: N I L**  
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**//TRUE COPY//**

**P.A. TO JUDGE**

**JV**

P. UBAID, J.

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Crl.M.C.No.7920 of 2015  
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Dated this the 21<sup>st</sup> day of December, 2015

O R D E R

The petitioners seek orders quashing the F.I.R and further proceedings in Crime No.1017/2014 of the Perinthalmanna Police Station, registered under Sections 323, 324, 341, 354 and 308 read with 34 IPC, on the complaint of one Muhammedali. Orders are sought on the ground of amicable settlement of the whole dispute between the accused and the de facto complainant out of court. The de facto complainant Muhammedali is the 2<sup>nd</sup> 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. The other persons who sustained injuries in the alleged incident are the respondent Nos.3 to 7. They have also filed affidavit to the effect that they have settled the dispute with the accused, and they have no grievance or complaint now. On a perusal of the materials, I find that Section 308 IPC was incorporated in the FIR by the police on the basis of a

purely hypothetical statement. Any way, the parties have come to terms, and the whole issues stand resolved.

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; be it at the crime stage, or at the trial stage, or even at the appellate or revision stage; if the parties have really settled the whole dispute, or if continuance of prosecution will not serve any purpose. Here, I find a real case of settlement between the parties, and I also find that continuance of prosecution in such a situation will not serve any purpose other than wasting the precious time of the court, when the case ultimately comes before the court.

In the result, this petition is allowed. The Crime No.1017/2014 of the Perinthalmanna Police Station will stand quashed under Section 482 of the Code of Criminal Procedure. The counter case also stands settled and quashed.

Sd/-

P. UBAID, JUDGE

sd

// True Copy //

P.A. to Judge