

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. 7949 of 2015 ()

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CC 1446/2014 of JUDICIAL FIRST CLASS MAGISTRATE COURT-I,MANJERI
CRIME NO. 68/2013 OF MANJERI POLICE STATION , MALAPPURAM DISTRICT
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PETITIONERS/ACCUSED:

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- 1. ABDULLA, S/O.ALAVIKUTTY HAJI
THENEMOOCHI HOUSE, MANHAPATTA
PADINHARETHALA, MALAPPURAM DISTRICT.**
 - 2. MURSHID, S/O.ALAVIKUTTY HAJI
THENEMOOCHI HOUSE, MANHAPATTA
PADINHARETHALA, MALAPPURAM DISTRICT.**

BY ADV. SRI.K.RAKESH

RESPONDENTS/STATE AND DEFACTO COMPLAINANT AND INJURED:

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- 1. THE STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM
KOCHI-682031 THROUGH THE STATION HOUSE OFFICER
MANJERI POLICE STATION, MALAPPURAM DISTRICT.**
 - 2. YUNUS T.M., S/O.UNNIHASSAN, THENEMOOCHI HOUSE
MANHAPATTA, PADINHARETHALA, MALAPPURAM DISTRICT-676123.**
 - 3. JAMSHEER BABU
S/O.ABDULLA, THENEMOOCHI HOUSE, MANHAPATTA
PADINHARETHALA, MALAPPURAM DISTRICT-676123.**
 - 4. NASEERA
W/O.ABDULLA, THENEMOOCHI HOUSE, MANHAPATTA
PADINHARETHALA, MALAPPURAM DISTRICT-676123.**

R2-R4 BY ADV. SMT.K.NISHA

R1 BY PUBLIC PROSECUTOR SMT. SHEEBA M.T.

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

CRL.M.C.NO. 7949/2015

APPENDIX

PETITIONERS' EXHIBITS

**ANNEXURE A COPY OF THE FINAL REPORT/CHARGE IN CRIME NO.68/2013 OF THE
MANJERI POLICE STATION**

**ANNEXURE B COPY OF THE AFFIDAVIT SWORN TO BY THE RESPONDENTS 2 TO 4
DATED 30.11.2015**

RESPONDENTS' EXHIBITS

// TRUE COPY //

P.A.TO JUDGE

SD

P. UBAID, J.

Crl.M.C.No.7949 of 2015

Dated this the 21st day of December, 2015

O R D E R

The petitioners herein are the accused in C.C. No.1446/2014 of the Judicial First Class Magistrate Court, 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 323, 324, 448 and 354 read with 34 IPC, on the complaint of one Yunus, who is the 2nd 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 now. The other persons who sustained injuries in the alleged incident are the respondent Nos.3 and 4 in this proceeding. They have also filed affidavit to the effect that they have settled the whole dispute with the accused, and they have no grievance or complaint now. On a perusal of the materials, I find that this is not in fact a case under Section 354 IPC. A mere assault on a woman will not by itself come under Section 354 IPC. For such a

prosecution something more is required. Any way, the parties have come to terms, and the whole dispute stands resolved forever. In such a situation, it is appropriate that the prosecution be quashed.

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. 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.1446/2014 of the Judicial First Class Magistrate Court, 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

sd

// True Copy //

P.A. to Judge