

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

MONDAY, THE 23RD DAY OF FEBRUARY 2015/4TH PHALGUNA, 1936

Cr1.MC.No. 7091 of 2014 ()

IN SC 263/2013 OF ASSISTANT SESSIONS COURT, QUILANDY
CRIME NO. 468/2012 OF PAYYOLI POLICE STATION, KOZHIKODE

PETITIONER(S)/ACCUSED:

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1. EJAS,
AGED 23 YEARS, S/O.IBRAHIM, PUTHAN PURAIL HOUSE,
ERAMALA AMSOM ORKKATTERI DESOM, ORKKATTERI P.O.,
VADAKARA TALUK,
KOZHIKODE DISTRICT (EDACHERY POLICE STATION LIMIT).
 2. MUHAMMED RAFI P.,
AGED 19 YEARS, S/O.MOHAMMED, KANDOTH HOUSE,
VILLIAPALLY AMSOM DESOM,
VILLIAPALLY P.O., VADAKARA TALUK,
KOZHIKODE DISTRICT (EDACHERY POLICE STATION LIMIT).

BY ADV. SRI.C.BHASKARAN.

RESPONDENT(S)/STATE& DEFACTO COMPLAINANT:

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1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM
(CRIME NO. 843/2013 OF EDACHERY POLICE STATION).
 2. AJAS,
AGED 21 YEARS, S/O.ABOOBACKER, VALIYA PARAMBATH HOUSE,
PATHIYARAKKARA P.O., KEEZHAL MUKKU,
PATHIYARAKKARA AMSOM DESOM, VADAKARA TALUK,
KOZHIKODE DISTRICT-673 105,
(VADAKARA POLICE STATION LIMIT).

R2 BY ADV. SMT.T.J.SEEMA
BY PUBLIC PROSECUTOR SMT.P.MAYA.

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 23-02-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

rvs.

APPENDIX

PETITIONER(S) ' ANNEXURES :

ANNEXURE 1 COPY OF THE FIRST INFORMATION REPORT

ANNEXURE 2 COPY OF THE FINAL REPORT FILED BEFORE JUDICIAL FIRST
CLASS MAGISTRATE COURT, VADAKARA

ANNEXURE 3 AFFIDAVIT SWORN BY THE 2ND RESPONDENT DATED THIS THE
6TH DAY DECEMBER 2014.

RESPONDENT(S) ' ANNEXURES :

NIL.

/TRUE COPY/

P.A.TO JUDGE

RVS.

P.UBAID, J.
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**Crl.M.C No.7091 of 2014**  
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Dated this the 23rd February, 2015

ORDER

The petitioners herein are the two accused in S.C No.263 of 2013 of the Assistant Sessions Court, Koyilandi. 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 324 and 308 read with 34 of Indian Penal Code on the complaint of one Ajas 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.

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 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. On a perusal of the case records, I find that Section 308 of Indian Penal Code was incorporated in the proceedings by the police on the basis of some hypothetical statement.

In the result, this petition is allowed. The prosecution against the petitioners herein in S.C. 263 of 2013 of the Assistant Sessions Court, Koyilandi 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