

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 18TH DAY OF FEBRUARY 2015/29TH MAGHA, 1936

Cr1.MC.No. 7455 of 2014

AGAINST C.P NO.208/2013 of JUDICIAL FIRST CLASS MAGISTRATE COURT
I, KASARAGOD
CRIME NO. 156/2012 OF ADHUR POLICE STATION, KASARGOD

PETITIONERS/PETITIONERS:

1. BINOOP BALAKRISHNAN.V, AGED 25 YEARS,
S/O.BALAKRISHNAN, R/A.VALLAKADAVAM HOUSE,
AYYAPPANKUNNU, EDAVANNA VILLAGE, MANJERI,
MALAPPURAM DIST
2. RAHUL P.V, AGED 24 YEARS,
S/O.RAMAKRISHNAN, CHANDAPPURA, KADANNAPPALLY,
PANAPPUZHA, KANNUR DIST
3. LIVIN ANTONY, AGED 23 YEARS,
S/O.LILLY ANTONY, ELAVUMTHINGAL HOUSE, VELLANCHIRA,
ALLOOR, THRISSUR DIST.
4. ABDUL JABBAR K.K, AGED 24 YEARS,
S/O.MUHAMMED ALI.K.K, KARIVARIKURA,
KALLAYIPPACHI HOUSE,
VALLAM NORTH, PARAPPANAGADY, MALAPPURAM DIST
5. PREMJIITH, AGED 23 YEARS,
S/O.PREMARAJAN, PARAYIL HOUSE, CHENKIKKALA,
MANIKKOOR VILLAGE, KANNUR DIST
6. SHIJIN SAAJ, AGED 24 YEARS,
S/O.VIJAYAN N.P, THEKKEYIL MEETHAL, THARUTHAD,
KOZHIKODE DIST
7. LIJO VARGHESE, AGED 24 YEARS
S/O. A.K VARGHEES, IKKARAKUDI HOUSE, KAMMANA,
MANAMTHAVADY, WAYANAD DIST
8. VIPIN.M, AGED 24 YEARS,
S/O.GANESH A.V, ENDEE NIVAS, NEAR GOVT.HOSPITAL,
PAYYANNUR , KANNUR DIST
9. ASWIN.S MURALI, AGED 23 YEARS,
S/O.MURALEEDHARAN, PRARTHANA, KOTTAYERD P.O,
WAYANAD DIST

10. VISRUTH.B, AGED 23 YEARS,
S/O.T.K BALARKRISHNAN, SWANAM HOUSE, MOKERI,
KANNUR DIST
11. JAYARAM P.P, AGED 23 YEARS,
S/O.SATHYANARAYANAN K, RAMASOUDAM, PULAMANTHOLE,
MALAPPURAM DIST
12. VIVEK CHANDRAN, AGED 24 YEARS,
S/O.PADMINI CHANDRAN,
CHANDRAKANDAM, NANICHERY, PARASINIKADAVU,
KANNUR DIST
13. AMAL THOMAS, AGED 23 YEARS,
S/O.THOMAS.P , PURAKAL HOUSE, CHENNALODE,
WAYANAD DIST

BY ADV. SRI.KODOTH SREEDHARAN

RESPONDENTS/COMPLAINANT:

1. STATE OF KERALA
THROUGH THE STATION HOUSE OFFICER,
ADHUR POLICE STATION
REP. BY ITS PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM
2. JAZEEM @ ABDULLA JAZEEM,
S/O.ABDUL AZEEZ C.A, R/A.RAHMANIYA NAGAR,
MUTTATHODY VILLAGE, KASARGOD DISTRICT

R2 BY ADV. SMT.C.B.SUMA DEVI

R1 BY PUBLIC PROSECUTOR SMT.P.MAYA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 18-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Cr1.MC.No. 7455 of 2014

APPENDIX

PETITIONERS' ANNEXURES:

ANNEXURE I:- COPY OF THE FIR IN CRIME NO 156/2012 DTD 12/4/2012
OF ADHUR POLICE STATION, KASARAGOD

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

ab

P.UBAID, J.

Crl.M.C No.7455 of 2014

Dated this the 18th day of February, 2015

O R D E R

The petitioners herein are the 13 accused in C.P No.208/2013 of the Judicial First Class Magistrate Court I, Kasaragod. 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 143, 147, 148, 341, 324 and 308 r/w 149 of the Indian Penal Code on the complaint of one Jazeem @ Abdulla Jazeem 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. On a perusal of the FIR and final report I find that Section 308 IPC was incorporated by the police on the basis of some hypothetical statement. What is at the most attracted is the offence under Section 324 of the Indian Penal Code. Anyway, the parties have come to terms amicably, 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, this petition is allowed. The prosecution against the petitioners herein in C.P No.208/2013 of the Judicial First Class Magistrate Court I, Kasaragod 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.

**P.UBAID
JUDGE**

ab