

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

MONDAY, THE 17TH DAY OF AUGUST 2015/26TH SRAVANA, 1937

Cr1.MC.No. 1741 of 2015

IN CC 1094/2012 of J.M.F.C.-I, HOSDRUG
CRIME NO. 232/2012 OF HOSDURG POLICE STATION, KASARGOD

PETITIONERS:

1. ANAS K, AGED 21 YEARS,
ABOBACKER, RESIDING AT KALLAYI HOUSE, C.H. NAGAR
OLD BEACH, KANHANGAD VILLAGE, HOSDURG TALUK
KASARGOD DISTRICT
2. C.P. SHEREEF, AGED 29 YEARS,
S/O. BAPPU MUSLIYAR, RESIDING AT OLD BEACH,
KANHANGAD SOUTH, KANHANGAD VILLAGE, HOSDURG TALUK,
KASARGOD DISTRICT
3. OOUF K.P, AGED 25 YEARS,
S/O. ABDULLA, RESIDING AT JUBAIRA MANZIL, OLD BEACH,
KANHANGAD VILLAGE, HOSDURG TALUK, KASARGOD DISTRICT
4. ANSAR B.M, AGED 21 YEARS,
S/O. ASSAINAR, RESIDING AT ALTHAF MANZIL, OLD BEACH,
KANHANGAD VILLAGE, HOSDURG TALUK, KASARGOD DISTRICT
5. NASSAR P.K, AGED 24 YEARS,
S/O. USMAN, RESIDING AT P.K.HOUSE, OLD BEACH,
KANHANGAD SOUTH, KANHANGAD VILLAGE, HOSDURG TALUK,
KASARGOD DISTRICT.
6. RAZAK.K.P, AGED 29 YEARS,
S/O.ABDUL KHADER, RESIDING AT OLD BEACH,
KANHANGAD VILLAGE, HOSDRUG TALUK,
KASARGOD DISTRICT.

BY ADVS.SRI.T.MADHU

SMT.C.R.SARADAMANI

RESPONDENTS/STATE:

1. SHOUKATHALI K., AGED 20 YEARS,
S/O.SHADULI, RESIDING AT KALLAI HOUSE,
PAZHAYA KADAPPURAM, KANHANGAD VILLAGE, HOSDURG TALUK
KASARGOD DISTRICT- 671 315

2. MUHAMMED IRSHAD P.A, AGED 21 YEARS,
S/O. RAHIM U.P, RESIDING AT ABID MANZIL,
PAZHAYA KADAPPURAM, KANHANGAD VILLAGE, HOSDURG TALUK
KASARGOD DISTRICT-671315
3. MUHAMMED UVAIZ.M, S/O SHAFI, AGED 17 YEARS,
RESIDING AT ASHRAF MANZIL, PAZHAYA KADAPPURAM,
KANHANGAD VILLAGE,
HOSDURG TALUK, KASARGOD DISTRICT,
REPRESENTED BY HIS FATHER AND GUARDIAN SHAFI,
S/O AMU DO-DO
4. MUDHASIR.M, AGED 20 YEARS,
S/O. RAZAK, RESIDING AT PUNJAVI HOUSE,
PAZHAYA KADAPPURAM, KANHANGAD VILAGE, HOSDURG TALUK,
KASARGOD DISTRICT 671315
5. FATHIMA K @ PATHUNHI, AGED 63 YEARS,
S/O ABDUL RAHIMAN, RESIDING AT KALLAI HOUSE, C.H NAGAR,
PAZHAYA KADAPPURAM, KANHANGAD VILLAGE, HOSDURG TALUK,
KASARGOD DISTRICT-671 315
6. THE STATE OF KERALA THROUGH THE STATION HOUSE OFFICER,
HOSDURG POLICE STATION,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682031

R1-5 BY ADV. SMT.BINDUMOL JOSEPH
R6 BY PUBLIC PROSECUTOR SMT.V.H.JASMINE

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 17-08-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

Cr1.MC.No. 1741 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE A1: CERTIFIED COPY OF THE FIR IN CRIME NO.232/2012 OF
HOSDURG POLICE STATION

ANNEXURE A2: COPY OF THE FINAL REPORT IN CRIME NO.232/2012 OF
HOSDURG POLICE STATION

ANNEXURE A3: THE AFFIDAVIT DATED 18.2.2015 SWORN BY THE 1ST
RESPONDENT

ANNEXURE A4: THE AFFIDAVIT DATED 18.2.2015 SWORN BY THE 2ND
RESPONDENT

ANNEXURE A5: THE AFFIDAVIT DATED 18.2.2015 SWORN BY THE 3RD
RESPONDENT

ANNEXURE A6: THE AFFIDAVIT DATED 18.2.2015 SWORN BY THE 4TH
RESPONDENT

ANNEXURE A7: THE AFFIDAVIT DATED 18.2.2015 SWORN BY THE 5TH
RESPONDENT

ANNEXURE A8: COPY OF THE MEMO OF EVIDENCE IN CRIME NO.232/2012
OF HOSDURG POLICE STATION

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No. 1741 of 2015

Dated this the 17th day of August, 2015

O R D E R

The petitioners herein are the six accused in C.C No.1094/2012 of the Judicial First Class Magistrate Court I, Hosdurg. 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, 447, 323, 324, 354 and 506(ii) r/w 149 of the Indian Penal Code on the complaint of one Shoukathali who is the first 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 case against the other accused in the crime, who are juveniles, is now pending before the Juvenile Justice Board. As regards the case in the court below, the parties have come to terms and the whole dispute stands resolved forever.

2. The other persons who sustained injuries in the

alleged incident are respondent Nos.2 to 5 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.

3. 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. 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.1094/2012 of the Judicial First Class Magistrate Court I, Hosdurg 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**

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