

Jamaluddin @ Jamal Vs. the State of Kerala

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Court : Kerala

Decided On : Sep-19-2014

Judge : Honourable Mr. Justice P.Ubaid

Appellant : Jamaluddin @ Jamal

Respondent : The State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR. JUSTICE P.UBAID FRIDAY, THE 19TH DAY OF SEPTEMBER 2014 28TH BHADRA, 1936 CrI.MC.No. 5277 of 2014 ()
----- AGAINST THE

ORDER

/

JUDGMENT

IN CC842012 of C.J.M., KASARAGOD CRIME NO. 843/2011 OF KASARAGOD POLICE STATION , KASARGOD PETITIONER(S)/ACCUSED:
----- 1. JAMALUDDIN @ JAMAL AGED 28 YEARS S/O. LATE MOIDU, RESIDING AT MARKETKUNNIL HOUSE KMC XII/691, KASABA VILLAGE, KASARAGOD TALUK KASARAGOD DISTRICT.

2. RAFEEQUE AGED 30 YEARS S/O. LATE MOIDU, RESIDING AT MARKETKUNNIL HOUSE KMC XII/691, KASABA VILLAGE, KASARAGOD

TALUK KASARAGOD DISTRICT. BY ADV. SRI.T.MADHU
RESPONDENT(S)/STATE: ----- 1. THE STATE OF KERALA
THROUGH THE STATION HOUSE OFFICER KASARAGOD POLICE STATION
REPRESENTED BY THE PUBLIC PROSECUTOR HIGH COURT OF KERALA,
ERNAKULAM682 031.

2. NAWAS K.M, AGED35YEARS S/O.MOIDU, RESIDING AT R.M.MANZIL,
PALLAM ROAD KASARAGOD TALUK, KASARAGOD DISTRICT - 671 121. R2
BY ADV. SMT.BINDUMOL JOSEPH R1 BY PUBLIC PROSECUTOR
SMT.SAREENA GEORGE.P THIS CRIMINAL MISC. CASE HAVING COME UP
FOR ADMISSION ON1909-2014, THE COURT ON THE SAME DAY PASSED
THE FOLLOWING: CrI.MC.No. 5277 of 2014 () ----- APPENDIX
PETITIONER(S)' EXHIBITS ----- ANNEXURE-A1: THE
CERTIFIED COPY OF THE FIR IN CRIME NO.843/2011 OF KASARAGOD
POLICE STATION. ANNEXURE-A2: THE CERTIFIED COPY OF THE FINAL
REPORT IN CRIME NO.843/2011 OF KASARAGOD POLICE STATION.
ANNEXURE-A3: THE AFFIDAVIT DATED228.2014 SWORN IN BY THE2D
RESPONDENT ANNEXURE-A4: THE TRUE CERTIFIED COPY OF THE MEMO
OF EVIDENCE IN CRIME NO.843/2011 OF KASARGOD POLICE STATION.
RESPONDENT(S)' EXHIBITS ----- /TRUE COPY/ P.S TO
JUDGE P.UBAID, J.

~~~~~ CrI.M.C No.5277 of 2014 ~~~~~ Dated this the 19th  
September, 2014

## ORDER

The petitioners herein are the accused in C.C No.84 of 2012 of the Chief Judicial Magistrate's Court, Kasaragod. Crime in the said case was registered on the complaint of one Nawas alleging assault and infliction of injuries with weapon. The offences involved are under Sections 341, 324 and 506 (ii) of I.P.C. Now, they have brought this petition under Section 482 of Cr.P.C to quash the prosecution on the ground that the parties have come to terms amicably, and that the complainant is not interested in the prosecution now. The de facto complainant Nawas is the 2nd respondent in this proceeding. He has filed affidavit to the effect that the

dispute stands settled with the accused, and that he has no grievance or complaint. The accused have brought this petition under Section 482 of Cr.P.C only because two of the offences are not compoundable under the law. In many decisions, the Hon'ble Supreme Court has held that even in cases CrI.M.C No.5277 of 2014 2 involving non-compoundable offences, the High Court can accept the settlement and quash the prosecution, if the Court is well satisfied that the parties have really come to terms, and continuance of such a prosecution will not serve any purpose. This is a matter involving individual disputes and grievances, and so the settlement can well be accepted. I am well satisfied that the parties have really settled the whole dispute, that the de facto complainant has no grievance or complaint now, and that continuance of this prosecution will not serve any purpose. In the result, this petition is allowed. The criminal prosecution against the petitioners herein in C.C No.84 of 2012 before the Chief Judicial Magistrate's Court, Kasaragod will stand quashed under Section 482 of Cr.P.C and the petitioners will stand released from prosecution. The bail bond, if any, executed by the petitioners will stand discharged. Sd/- P.UBAID JUDGE ma /True copy/ P.S to Judge

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