

**V.P.Majeed Vs. State of Kerala**

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**SooperKanoon Citation :** [sooperkanoon.com/1167082](http://sooperkanoon.com/1167082)

**Court :** Kerala

**Decided On :** Nov-04-2014

**Judge :** Honourable Mr. Justice P.Ubaid

**Appellant :** V.P.Majeed

**Respondent :** State of Kerala

**Judgement :**

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR. JUSTICE P.UBAID TUESDAY, THE 4TH DAY OF NOVEMBER 2014 13TH KARTHIKA, 1936 CrI.MC.No. 3216 of 2014 ()  
----- IN CP382013 of JUDICIAL FIRST CLASS MAGISTRATE COURT - I, THAMARASSERY CRIME NO. 379/2013 OF THAMARASSERY POLICE STATION , KOZHIKODE PETITIONER(S)/ACCUSED NOS.1 TO 10  
----- 1. V.P.MAJEED, S/O.ABDULLA, VADAKKEPARAMBIL HOUSE, RAROTH AMSOM DESOM KOZHIKODE DISTRICT.

2. A.K. ASHARAF, S/O.AHAMMEDKUTTY, AREETTAKKUNNUMMAL HOUSE RAROTH AMSOM DESOM, KOZHIKODE DISTRICT.

3. ASHARAF. S/O.HUSSAIN, AREETTAKKUNNUMMAL HOUSE RAROTH AMSOM DESOM, KOZHIKODE DISTRICT.

4. ABDUL MAJEED @ CHECHA, AREETTAKKUNNUMMAL HOUSE, RAROTH AMSOM DESOM KOZHIKODE DISTRICT.

5. ABDUL NIZAR, S/O.SAIDALAVI, AREETTAKKUNNUMMAL HOUSE RAROTH AMSOM DESOM, KOZHIKODE DISTRICT.

6. ABDUL NAZAR, S/O.AYISHA, AREETTAKKUNNUMMAL HOUSE RAROTH AMSOM DESOM, KOZHIKODE DISTRICT.

7. A.K.SUBAIR, S/O.MOIDEEN, AREETTAKKUNNUMMAL HOUSE RAROTH AMSOM DESOM, KOZHIKODE DISTRICT.

8. JABIR A.K., S/O.KATHIRI, AREETTAKKUNNUMMAL HOUSE RAROTH AMSOM DESOM, KOZHIKODE DISTRICT.

9. NAUFAL S/O.MOYI, PUTHANPURAYIL HOUSE, RAROTH AMSOM DESOM KOZHIKODE DISTRICT. CrI.MC.No. 3216 of 2014 () -----

10. ANWAR, S/O.HUSSAINKUTTY, PUTHANPURAYIL HOUSE RAROTH AMSOM DESOM, KOZHIKODE DISTRICT. BY ADV. SRI.LUIZ GODWIN D'COUTH RESPONDENT(S)/DEFACTO COMPLAINANT (CW1), (CW9) & (CW10):

----- 1. STATE OF KERALA, REP. BY S.I. OF POLICE, THAMARASSERY THROUGH THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA ERNAKULAM.

2. ABDUL SAMAD, S/O.MOIDEENKUNHI, THATTUMoola HOUSE, ANDONA THAMARASSERY, KOZHIKODE.

3. SALMAN P.O., S/O.KUNCHIKOYA, PUTHANPURAYIL HOUSE, THAMARASSERY P.O. KOZHIKODE-673001.

4. KANDIYIL MUHAMMED, S/O.MUHAMMED, VALLATHAZHATHU HOUSE, THAMARASSERY KOZHIKODE-673001. R2-4 BY ADV. SRI.JOSE KURIAKOSE (VILANGATTIL) R1 BY PUBLIC PROSECUTOR SMT. S. HYMA THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON0411-2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: CrI.MC.No. 3216 of 2014 ()

----- APPENDIX PETITIONER(S)' EXHIBITS

----- ANNEXURE-A: COPY OF THE FINAL REPORT IN CRIME NO.379/2013 OF THAMARASSERY POLICE STATION. ANNEXURE-B: COPY OF THE161STATEMENT OF CW1 IN CRIME NO.379/2013 OF THAMARASSERY POLICE STATION. ANNEXURE-C: COPY OF THE161STATEMENT OF CW9 IN CRIME NO.379/2013 OF THAMARASSERY POLICE STATION. ANNEXURE-D: COPY OF THE161STATEMENT OF CW10 IN CRIME NO.379/2013 OF THAMARASSERY POLICE STATION. ANNEXURE-E: COPY OF THE WOUND CERTIFICATE OF CW1 IN CRIME NO.379/2013 OF THAMARASSERY POLICE STATION. ANNEXURE-F: COPY OF THE WOUND CERTIFICATE OF CW9 IN CRIME NO.379/2013 OF THAMARASSERY POLICE STATION. ANNEXURE-G: COPY OF THE WOUND CERTIFICATE OF CW10 IN CRIME NO.379/2013 OF THAMARASSERY POLICE STATION. ANNEXURE-H: AFFIDAVIT OF THE2D RESPONDENT. ANNEXURE-I: AFFIDAVIT OF THE3D RESPONDENT. ANNEXURE-J: AFFIDAVIT OF THE4H RESPONDENT. RESPONDENT(S)' EXHIBITS: NIL ----- /TRUE COPY/ PATO JUDGE sab P.UBAID, J.

----- Crl. M.C No. 3216 of 2014 & Crl.M.C No.3248 of 2014  
----- Dated this the 4th day of November, 2014.

## ORDER

Two crimes, as case and counter happened to be registered in the Thamarasserry police station as crime Nos. 378/2013 & 379/2013 in connection with an incident of affray committed by two groups within the same community in connection with some internal dispute locally. The petitioners in Crl.M.C32162014 are the 10 accused in crime No.379/2013 which is now pending before the Judicial First Class Magistrate Court -I, Thamarassery as C.P No.38/2013. Crime in the said case was registered on the complaint of one Abdul Samad under Sections 143, 147, 148, 341, 323, 324, 308 and 149 IPC. His complaint is that he and two other persons sustained injuries in the said incident. The injured persons are the respondents 2 to 4. The petitioners in Crl.M.C32482014 are the 10 accused in crime No.378/2013, which is now pending as S.C No.833/2013 before the third Additional Sessions Court Kozhikode. Crime in the said case was registered on

the complaint CrI. M.C No. 3216 of 2014 2 of one Abdul Majeed under Sections 143, 147, 148, 341, 323, 324, 308 and 149 IPC. The said Abdul Majeed and another person who sustained injuries in the alleged incident are the respondents 2 and 3 in the CrI.M.C32482014. The first informant and the other two injured in crime No.379/2013 are the respondents 2 to 4 in CrI.M.C321614. Now, on the involvement of persons acceptable to both sides including their MLA, the parties have come to amicable settlement out of court, and so they want to have the two cases quashed under Section 482 Cr.P.C. The injured persons on either side have filed affidavit to the effect that the whole dispute stands settled, and that nobody has any grievance or complaint now. In so many decisions the Hon'ble Supreme Court has held that even in cases involving non compoundable offences, the High Court can quash prosecution under Section 482 Cr.P.C, if the parties have really settled the whole dispute, and continuance of prosecution will not serve any purpose. Here I am definite that nobody will support the prosecution in case the two cases go to trial. The learned Public Prosecutor also reports that at present the situation at the locality is quiet peaceful, and that the whole dispute now stands settled. No doubt, continuance CrI. M.C No. 3216 of 2014 3 of further proceedings in the two cases will not serve any purpose, other than wasting the precious time of the trial court. In the result, this petition is allowed. The prosecution against the petitioners in CrI.M.C32162014 now pending as C.P382013 before the Judicial First Class Magistrate Court-I, Thamarasserry, and also the prosecution against the petitioners in CrI.M.C32482014 now pending as S.C8332013 before the court of Session, Kozhikode (learned third Additional Assistant Sessions Judge, Kozhikode) will stand quashed under Section 482 Cr.P.C. Accordingly, the petitioners in the two cases will stand released from prosecution, and the bail bond if any executed by them will stand discharged. P.UBAID, JUDGE sab

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