

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 24TH DAY OF FEBRUARY 2015/5TH PHALGUNA, 1936

CrI.MC.No. 1124 of 2015 ()

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CC 1684/2014 of JUDICIAL FIRST CLASS MAGISTRATE COURT-I, HOSDRURG
CRIME NO. 1443/2013 OF HOSDURG POLICE STATION , KASARGOD DISTRICT
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PETITIONERS/ACCUSED:

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- 1. SULAIKHA BEEVI, AGED 28 YEARS
D/O.SHARAFUDHEEN, PATTAKKAL, AINGOTH
P.O.OZHINHAVALAPPU, KANHANGAD, KASARAGOD DT.**
 - 2. KUNHAMINA, AGED 50 YEARS
W/O.SHARAFUDHEEN, MOONAM MILE, AMBALATHARA
P.O. PULLUR, HOSDUR, KASARAGOD DT.**

**BY ADVS.SRI.K.R.AVINASH (KUNNATH)
SRI.ABDUL RAOOF PALLIPATH**

RESPONDENTS/STATE & DEFACTO COMPLAINANT:

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- 1. THE STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682031.**
 - 2. KHADEEJA, AGED 55 YEARS
W/O.MUHAMMAD KUNHI, 'ARSHAD MANZIL', PATTAKKAL
AINGOTH, P.O., OZHINHAVALAPPU, KANHANGAD VILLAGE
HOSDURG TALUK, KASARAGOD-671121.**

**R2 BY ADV. SRI.C.H.ABDUL RASAC
R1 BY Sr.PUBLIC PROSECUTOR SMT. SAREENA GEORGE P.**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 24-02-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

APPENDIX

PETITIONERS' EXHIBITS

ANNEXURE-A1: TRUE COPY OF THE FINAL REPORT IN CRIME NO.1443/2013.

**ANNEXURE-A2: TRUE COPY OF THE AFFIDAVIT SWORN IN BY THE 2ND
RESPONDENT.**

RESPONDENTS' EXHIBITS

NIL

// TRUE COPY // P.A. TO JUDGE

SD

P. UBAID, J.

Crl.M.C.No.1124 of 2015

Dated this the 24th day of February, 2015

O R D E R

The petitioners herein are the accused in C.C No.1684/2014 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 341,323,294(b) and 506(ii) read with 34 IPC on the complaint of one Khadeeja, who is the 2nd respondent in this proceeding brought under Section 482 of the Code of Criminal Procedure. She has filed affidavit to the effect that she has settled the whole dispute with the accused and she 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 further proceedings 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.

In the result, this petition is allowed. The prosecution against the petitioners herein in C.C No.1684/2014 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.

Sd/-

P. UBAID, JUDGE

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