

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 13TH DAY OF NOVEMBER 2015/22ND KARTHIKA, 1937

Cr1.MC.No. 1281 of 2015

IN C.C 300/2014 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT,
PONNANI

CRIME NO. 961/2012 OF PONNANI POLICE STATION , MALAPPURAM

PETITIONERS/ACCUSED:

1. SHIHABUDDIN, AGED 28 YEARS,
S/O. MAMMADU, VATTAMANNIL HOUSE, AATHAVANAD P.O,
CHALIKULAMBU VILLAGE, TIRUR TALUK,
MALAPPURAM DISTRICT - 676 312.
2. NAFEESA, AGED 60 YEARS,
W/O. MAMMADU, VATTAMANNIL HOUSE, AATHAVANAD P.O,
CHALIKULAMBU VILLAGE, TIRUR TALUK,
MALAPPURAM DISTRICT - 676 312.
3. KHADEEJA, AGED 31 YEARS,
W/O. MUSTHAF, VATTAMANNIL HOUSE, AATHAVANAD P.O,
CHALIKULAMBU VILLAGE, TIRUR TALUK,
MALAPPURAM DISTRICT - 676 312.

BY ADVS.SRI.S.RUSSEL

SRI.V.R.ARUN

RESPONDENTS/DEFACTO COMPLAINANT & STATE:

1. UMMUHABEEDA, AGED 20 YEARS
D/O. ABDULLA, THIRUTHI ATHANIKKAL HOUSE,
KALADY AMSOM & VILLAGE, PERUMBRAMBU P.O.,
PONNANI TALUK,
MALAPPURAM DISTRICT - 679 576.
2. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SMT.SHEEBA M.T

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 13-11-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

Cr1.MC.No. 1281 of 2015

APPENDIX

PETITIONERS' ANNEXURES:

A - CETIFIED COPY OF THE COMPLAINT FILED BY THE 1ST RESPONDENT
BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT, PONNANI AS
CMP NO. 3374/2012.

B - CERTIFIED COPY OF THE FIR IN CRIME NO. 961/2012 OF PONNANI
POLICE STATION.

C - CERTIFIED COPY OF THE FINAL REPROT IN CC NO. 300/2014 OF
THE JUDICIAL FIRST CLASS MAGISTRATE COURT, PONNANI.

D - SETTLEMENT AGREEMENT BETWEEN 1ST PETITIONER AND 1ST
RESPONDENT.

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

ab

P.UBAID, J.

Crl.M.C No.1281 of 2015

Dated this the 13th day of November, 2015

O R D E R

The petitioners herein are the three accused in C.C No.300/2014 of the Judicial First Class Magistrate Court, Ponnani. 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 498A and 406 r/w 34 of the Indian Penal Code on the complaint of one Ummuhabeeba who is the first 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 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. The victim's affidavit shows that the whole matrimonial dispute stands resolved forever, and the marriage stands dissolved. The claims also stand settled. In such a situation, it is appropriate that the prosecution be quashed.

In the result, this petition is allowed. The prosecution against the petitioners herein in C.C No.300/2014 of the Judicial First Class Magistrate Court, Ponnani 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

ab