

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 14TH DAY OF JULY 2015/23RD ASHADHA, 1937

Cr1.MC.No. 1808 of 2015

IN C.C NO.1565/2013 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT-
I, ALAPPUZHA

CRIME NO. 925/2013 OF ALAPPUZHA NORTH POLICE STATION, ALAPPUZHA

PETITIONER/ACCUSED:

RAMIA @ RAMLA KABEER, AGED 46 YEARS,
W/O. KABEER, CHAITHRAM VEEDU, SEA VIEW WARD,
ALAPPUZHA DISTRICT.

BY ADVS.SRI.ABDUL JALEEL.A
SMT.M.A.SULFIA

RESPONDENTS/DEFACTO COMPLAINANT:

1. SUB INSPECTOR OF POLICE,
ALAPPUZHA SOUTH POLICE STATION,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.
2. MARY ANGEL PETER, AGED 52 YEARS,
W/O. HERBERT PETER, RUMMADI HOUSE,
DUTCH SQUARE AREA,
SEA VIEW WARD, ALAPPUZHA DISTRICT.

R2 BY ADV. SMT.C.A.SABITHA
R1 BY PUBLIC PROSECUTOR SMT.S.HYMA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 14-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Cr1.MC.No. 1808 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE A1: COPY OF THE CHARGE IN C.C. NO.1565/2013 ON THE FILE OF LEARNED JUDICIAL FIRST CLASS MAGISTRATE COURT I, ALAPPUZHA IN CRIME NO.925/2013 OF ALAPPUZHA NORTH POLICE STATION.

ANNEXURE A2: COPY OF THE DEATH CERTIFICATE OF NABEEH KABEER DATED 28.1.2015.

ANNEXURE A3: AFFIDAVIT OF THE 2ND RESPONDENT/DEFACTO COMPLAINANT DATED 19.2.2015.

RESPONDENT'S ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.1808 of 2015

Dated this the 14th day of July, 2015

O R D E R

The petitioner herein is the sole accused in C.C No.1565/2013 of the Judicial First Class Magistrate Court I, Alappuzha. She seeks orders quashing the prosecution on the ground of amicable settlement of the whole dispute between him and the de facto complainant. Crime in this case was registered under Sections 447, 341 and 324 of the Indian Penal Code on the complaint of one Mary Angel Peter 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 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, 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 petitioner herein in C.C No.1565/2013 of the Judicial First Class Magistrate Court I, Alappuzha will stand quashed under Section 482 of the Code of Criminal Procedure. Accordingly, the petitioner will stand released from prosecution, and the bail bond, if any, executed by her will stand discharged.

**P.UBAID
JUDGE**

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