

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. 1816 of 2015

IN LPC 159/2012 of J.M.F.C., THALASSERY

CRIME NO.41/2011 OF THALASSERY POLICE STATION, KANNUR

PETITIONER/ACCUSED:

ASHRAF V.K, AGED 53 YEARS,
S/O.ABOOBACKER, V.K HOUSE, CHETTAMKUNNU,
P.O THALASSERY, KANNUR (DIST)

BY ADV. SMT.K.DEEPA (PAYYANUR)

RESPONDENTS/RESPONDENTS:

1. STATE OF KERALA
REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA
ERNAKULAM
2. K MUNEERA, AGED 41 YEARS,
D/O.MAMMU, AYISHA MANZIL, GOPAL PETTA,
P.O THALASSERY, KANNUR (DIST)

R2 BY ADV. SMT.CELINE JOSEPH
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. 1816 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE 1: COPY OF THE COMPLAINT AND FIR OF CRIME NO 41/2011 OF
THE THALASSERY POLICE STATION, KANNUR

ANNEXURE II : COPY OF THE FINAL REPORT OF CRIME NO 41/2011 OF
THE THALASSERY POLICE STATION, KANNUR

ANNEXURE III: COPY OF THE AGREEMENT BETWEEN THE PETITIONER AND
THE 2ND RESPONDENT

ANNEXURE IV: AFFIDAVIT FILED BY THE 2ND RESPONDENT

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.1816 of 2015

Dated this the 14th day of July, 2015

O R D E R

The petitioner herein is the accused in L.P.C No.159/2012 of the Judicial First Class Magistrate Court, Thalassery. He 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 406, 498(A) and 420 of the Indian Penal Code on the complaint of his wife Muneera, 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. The agreement produced in court shows that the parties have reunited as per the settlement and they are leading a happy matrimony. In such a situation, continuance of the prosecution will do harm and hardship to both the parties, and it will defile the happy matrimony. Hence it is appropriate that the compromise be accepted and the prosecution be quashed.

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. 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 L.P.C No.159/2012 of the Judicial First Class Magistrate's Court, Thalassery 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 him will stand discharged.

**P.UBAID
JUDGE**

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