

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

Crl.MC.No. 2329 of 2015 (B)

**AGAINST THE ORDER IN CRMC 1018/2014 of ADDL. DISTRICT COURT, MANJERI
DATED 17-07-2014**

CRIME NO. 960/2014 OF PERINTHALMANNA POLICE STATION , MALAPPURAM

PETITIONERS/ACCUSED NO.1 TO 3 :-

- 1. MUHAMMED JAISAL,
S/O.UNNENKUTTY, AGED 30 YEARS,
NELLENGARA HOUSE, MULLIANKURSSI P.O.,
PATTIKKAD, PERINTHALMANNA,
MALAPPURAM DISTRICT - 679 325.**
- 2. UNNENKUTTY, AGED 60 YEARS,
NELLENGARA HOUSE, MULLIANKURSSI P.O., PATTIKKAD,
PERINTHALMANNA, MALAPPURAM DISTRICT - 679 325.**
- 3. FATHIMA,
W/O.UNNENKUTTY, AGED 50 YEARS,
NELLENGARA HOUSE, MULLIANKURSSI P.O.,
PATTIKKAD, PERINTHALMANNA,
MALAPPURAM DISTRICT - 679 325.**

BY ADV. SRI.U.K.DEVIDAS

RESPONDENTS/DEFACTO COMPLAINANT /STATE :-

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. FEBINA,D/O.SHOUKKATHALI,
AGED 26 YEARS, THOTTASSERI HOUSE,
ERAVIMANGALAM P.O., MALAPPURAM DISTRICT - 686 613.**

**R1 BY SMT.V.H.JASMINE, PUBLIC PROSECUTOR
R2 BY ADV. SMT.P.M.SHAHIDA**

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

rkj

Crl.MC.No. 2329 of 2015 (B)

APPENDIX

PETITIONER(S)' ANNEXURES :-

**ANNEXURE -I : TRUE COPY OF THE PRIVATE COMPLAINT FILED BY THE SECOND
RESPONDENT DATED 20/6/2014.**

**ANNEXURE -II : TRUE COPY OF THE F.I.R IN PERINTHALMANNA POLICE STATION
CRIME NO.960/2014 DATED 27/6/14.**

ANNEXURE -III : TRUE COPY OF THE AGREEMENT DATED 27/12/2014.

**ANNEXURE -IV : ORIGINAL OF THE AFFIDAVIT DATED 27/12/2014 SWORN BY THE
2ND RESPONDENT.**

**ANNEXURE -V : TRUE COPY OF THE ORDER DATED 17/7/2014 IN
CRL.M.C NO.1018/2014.**

RESPONDENT(S)' ANNEXURES :- NIL

rkj

//TRUE COPY//

P.A. TO JUDGE

P.UBAID, J.

=====

Crl.M.C.No.2329 of 2015

=====

Dated this the 14th day of July, 2015

ORDER

The petitioners seek orders quashing the F.I.R and further proceedings in Crime No.960 of 2014 of Perinthalmanna Police Station, registered under Sections 323, 406, 498(A), 506(ii) read with Section 34 of IPC on the complaint of one Febina. Orders are sought on the ground of amicable settlement of the whole dispute between the accused and the de facto complainant out of court. The de facto complainant Febina 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.

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 prosecution; be it at the crime stage or at the trial stage or even at the appellate or revision stage; if the parties have really settled the whole dispute or if continuance of prosecution will not serve any purpose. Here, I find a real case of settlement

between the parties and I also find that continuance of prosecution in such a situation will not serve any purpose other than wasting the precious time of the court, when the case ultimately comes before the court.

3. The affidavit filed by the complainant shows that she has reunited with the accused, and they are now living together happily and peaceably. In such a situation it is appropriate that the prosecution be closed. Continuance of prosecution will definitely cause harm and hardship to the parties, when they have reunited in matrimony . The request of the petitioners to release the passport will be considered by the trial court appropriately, when the prosecution stands quashed.

In the result, this petition is allowed. The F.I.R and further proceedings in crime No.960 of 2014 of Perinthalmanna Police Station will stand quashed under Section 482 of the Code of Criminal Procedure.

Sd/-
P.UBAID
JUDGE

rkj

//TRUE COPY//

P.A. TO JUDGE