

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 5TH DAY OF MAY 2015/15TH VAISAKHA, 1937

Cr1.MC.No. 2551 of 2015

AGAINST C.C NO.972/2014 of JUDICIAL FIRST CLASS MAGISTRATE COURT,
KUNNAMANGALAM

PETITIONERS/ACCUSED NOS.1 AND 2:

1. NIYASUDHEEN P.K,
S/O.ALI T.K., PULLIKUNNUMMEL HOUSE,
CHOLAKKARATHAZHAM,
PADANILAM P.O., KUNNAMANGALAM,
KOZHIKODE DISTRICT.
2. AMINA,
W/O.ALI T.K., PULIKUNNUMMEL HOUSE,
CHOLAKKARATHAZHAM,
PADANILAM P.O., KUNNAMANGALAM,
KOZHIKODE DISTRICT.

BY ADV. SRI.SUNNY MATHEW

RESPONDENTS/COMPLAINANT AND STATE:

1. MUFEEDA P.P., AGED 22 YEARS,
D/O.MOIDEEN KOYA, PULIKKALPARAMB HOUSE,
MERIKUNNU P.O.
CHEVAYUR AMSOM DESOM,
KOZHIKODE DISTRICT - 673 001.
2. THE SUB INSPECTOR OF POLICE,
KUNNAMANGALAM POLICE STATION,
KOZHIKODE DISTRICT.
3. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

R1 BY ADV. SRI.T.K.BABU

R2 & 3 BY PUBLIC PROSECUTOR SRI.K.K.SAIDALAVI

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 05-05-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Cr1.MC.No. 2551 of 2015

APPENDIX

PETITIONERS' ANNEXURES:

ANNEXURE-A1: COPY OF THE FINAL REPORT IN C.C.972/2014 ON THE FILE
OF THE COURT OF THE JUDICIAL MAGISTRATE OF FIRST CLASS,
KUNNAMANGALAM.

ANNEXURE-A2: COPY OF THE AGREEMENT DATED 06.03.2015 ENTERED INTO
BETWEEN THE 1ST PETITIONER AND THE 1ST RESPONDENT.

ANNEXURE-A3: COPY OF THE AFFIDAVIT SWORN TO BY THE 1ST
RESPONDENT.

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.2551 of 2015

Dated this the 5th day of May, 2015

O R D E R

The petitioners herein are the two accused in C.C No.972/2014 of the Judicial First Class Magistrate Court, Kunnamangalam. 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 323, 406 and 498A r/w 34 of the Indian Penal Code on the complaint of one Mufeeda who is the 1st 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 petitioners herein in C.C No.972/2014 of the Judicial First Class Magistrate Court, Kunnamangalam 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.

**P.UBAID
JUDGE**

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