

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

Crl.MC.No. 2637 of 2015 ()

CC 1042/2012 of JUDICIAL FIRST CLASS MAGISTRATE COURT, MALAPPURAM

PETITIONER/ACCUSED :

**HABEEB RAHMAN @ ABHI RAUSE,
S/O. MUHAMMED, CHANDANAPARAMBATH HOUSE,
PUTHUPPANAM P.O., ARBINDHAGOSH ROAD, BADAGARA
KOZHIKODE DISTRICT.**

BY ADV. SRI.P.M.RAFIQ

RESPONDENTS/DEFACTO COMPLAINANT AND STATE :

**1. UMMU HABEEBA
D/O. ALI HASSAN MUSLIYAR, ODAKKAL HOUSE, VENKULAM,
OORAKAM KEEZHMURI P.O., THIRURANGADI TALUK,
MALAPPURAM DISTRICT - 676503.**

**2. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682031.**

**R1 BY ADV. SRI.V.A.JOHNSON (VARIKKAPPALLIL)
R2 BY SENIOR PUBLIC PROSECUTOR SRI.P.K. ABDUL RAHMAN**

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

bp

Crl.MC.No. 2637 of 2015 ()

APPENDIX

PETITIONER'S ANNEXURES :

ANNEXURE A: COPY OF THE FINAL REPORT IN CC NO. 1042/2012 OF THE COURT OF JUDICIAL MAGISTRATE OF FIRST CLASS, MALAPPURAM.

ANNEXURE B: COPY OF THE AFFIDAVIT SWORN BY R1/DEFACTO COMPLAINANT INFORMING THE FACTUM OF SETTLEMENT DT 2/5/2015.

RESPONDENT'S ANNEXURES : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

P.UBAID, J.

Crl. M.C No.2637 of 2015

Dated this the 5th day of May, 2015.

O R D E R

The petitioner herein is the accused in C.C No.1042 of 2012 of the Judicial First Class Magistrate Court, Malappuram. 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 and 498 (A) IPC on the complaint of one Ummu Habeeba 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 prosecution in pending proceedings, if the parties have really settled the whole dispute amicably out of court, and continuance of proceedings

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.1042 of 2012 of the Judicial First Class Magistrate Court, Malappuram 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.

Sd/-

P.UBAID,
JUDGE