

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. 2662 of 2015

CC 463/2013 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, MALAPPURAM

CRIME NO.257/2013 OF KOTTAKKAL POLICE STATION, MALAPPURAM
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PETITIONER(S)/ACCUSED:

1. **ABDUL GAFOOR,**
S/O.AHAMMEDKUTTY, KURUNIYAN CHERUKATTUTHODI VEEDU,
OTHUKKUNGAL, MALAPPURAM DISTRICT.
2. **PATHUMMA,**
W/O.AHAMMEDKUTTY, KURUNIYAN CHERUKATTUTHODI VEEDU,
OTHUKKUNGAL, MALAPPURAM DISTRICT.

BY ADV. SRI.P.M.RAFIQ

RESPONDENT(S)/DEFACTO COMPLAINANT & STATE:

1. **RAHEENA,**
D/O.AYAMU, PAZHEDATH HOUSE, PAZHAMALLUR AMSOM,
PERINGOTTUPULAM DESOM, PERINTHALMANNA TALUK,
MALAPPURAM DISTRICT - 679 322.
2. **STATE OF KERALA,**
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.

R2 BY PUBLIC PROSECUTOR SRI.K.K.SAIDALAVI
R1 BY ADV. SRI.JOHNSON VARIKKAPPALLIL

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

msv/

APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEXURE A: TRUE COPY OF THE PRIVATE COMPLAINT FILED BY THE
1ST RESPONDENT HEREIN AGAINST THE PETITIONERS BEFORE THE
COURT OF JUDICIAL MAGISTRATE OF FIRST CLASS, MALAPPURAM.**

**ANNEXURE B: TRUE COPY OF THE FINAL REPORT IN CC.NO.463/2013 OF THE COURT
OF JUDICIAL MAGISTRATE OF FIRST CLASS, MALAPPURAM.**

**ANNEXURE C: TRUE COPY OF THE AFFIDAVIT SWORN BY 1ST RESPONDENT
INFORMING THE FACTUM OF SETTLEMENT DATED 25.04.2015.**

RESPONDENT(S)' ANNEXURES:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

P. UBAID, J.

Crl.M.C.No.2662 of 2015

Dated this the 5th day of May, 2015

O R D E R

The petitioners herein are the accused in C.C.463/2013 of the Judicial First Class Magistrate Court, Malappuram. 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 498A and 406 read with 34 IPC on the complaint of one Raheena, 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 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.463/2013 of the Judicial First Class Magistrate Court, Malappuram 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.

Sd/-

P. UBAID, JUDGE

sd