

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

MONDAY, THE 10TH DAY OF AUGUST 2015/19TH SRAVANA, 1937

Cr1.MC.No. 3710 of 2015 ()

CP 37/2014 of JUDICIAL FIRST CLASS MAGISTRATE COURT, NILAMBUR,
CRIME NO. 224/2012 OF EDAKKARA POLICE STATION , MALAPPURAM

PETITIONER/COMPLAINANT:

SHAMEENA, AGED 28 YEARS
W/O MUNEERALI, PARAMMAL HOUSE, KATTUNGAL P O
MUNDUPARAMBU, MALAPPURAM

BY ADV. SRI.S.MOHAMMED AL RAFI

RESPONDENTS/STATE AND ACCUSED:

1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA , ERNAKULAM
2. ABDUL AREEF,
S/O USMAN, PUTHANARI HOUSE, MOOCHIPARATHA
EDAKKARA, NILAMBUR TALUK, MALAPPURAM

BY PUBLIC PROSECUTOR SMT.HYMA

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD
ON 10-08-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Cr1.MC.No. 3710 of 2015 ()

APPENDIX

PETITIONER'S ANNEXURES

ANNEXURE A : CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO 224/2012
OF EDAKKARA POLICE STATION

ANNEXURE B : CERTIFIED COPY OF THE MEMO OF EVIDENCE IN
CRIME NO 224/2012 OF EDAKKARA POLICE STATION

ANNEXURE C : ATTESTED AFFIDAVIT SWORN BY THE PETITIONER

RESPONDENTS' ANNEXURES : NIL

// TRUE COPY //

P.A. TO JUDGE

sm

P. UBAID, J.

Crl.M.C. No. 3710 of 2015

Dated this the 10th day of August, 2015

ORDER

The petitioner herein is the de facto complainant in C.P. No.37/2014 of the Judicial First Class Magistrate Court Nilambur. She seeks orders quashing the prosecution on the ground of amicable settlement of the whole dispute between her and the 2nd respondent. Crime in this case was registered under Sections 366, 376 of Indian Penal Code and Section 119 (b) of Kerala Police Act. The petitioner 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 further 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.

3. The victim of offence, who herself is the petitioner herein, appeared before me today as directed by the Court, and submitted that the complaint in this case happened to be made on some misapprehension, and that she is now happy with her husband Muneerali in matrimony, with two children. Her husband also appeared before me and submitted that in the best interest of the family, including the children, they have settled the whole dispute, and that the petitioner herein is now with him and leading very happy married life. The petitioner and her husband now apprehend that continuance of the prosecution will cause embarrassment to them, and may even defile their happy matrimony. In the best interest of the family they have decided, not to prosecute the matter and they have settled the whole

dispute amicably in the interest of the whole family, including the children.

In the result, this petition is allowed. The prosecution against the respondent herein in C.P.No.37/2014 of the Judicial First Class Magistrate's Court, Nilambur, will stand quashed under Section 482 of the Code of Criminal Procedure. Accordingly, the accused will stand released from prosecution, and the bail bond, if any, executed by him will stand discharged.

sm/

Sd/-
P.UBAID, JUDGE