

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

MONDAY, THE 3RD DAY OF AUGUST 2015/12TH SRAVANA, 1937

Crl.MC.No. 4129 of 2015 ()

CRIME NO. 1551/2014 OF NJARAKKAL POLICE STATION , ERNAKULAM DISTRICT

PETITIONERS/ACCUSED NOS.1 TO 3:

- 1. SHEBEEL ABDULLA**
AGED 30 YEARS, S/O.ABDULLA, MAKKOT HOUSE
MANNAM P.O, MANJALI, NORTH PARAVUR.
- 2. NASEEMA ABDULLA**
AGED 50 YEARS, W/O.ABDULLA, MAKKOT HOUSE
MANNAM P.O, MANJALI, NORTH PARAVUR.
- 3. SHABANA NOUSHAD**
AGED 25 YEARS, W/O.NOUSHAD, CHETTIPARAMBIL HOUSE
DESHABHIMANI ROAD, KALOOR, ERNAKULAM DISTRICT.

BY ADVS.DR.K.P.SATHEESAN (SR.)
SRI.M.R.JAYAPRASAD
SRI.P.MOHANDAS (ERNAKULAM)
SRI.ANOOP.V.NAIR

RESPONDENTS/COMPLAINANT:

- 1. STATE OF KERALA**
REPRESENTED BY THE SECRETARY TO HOME DEPARTMENT
GOVT. SECRETARIAT, THIRUVANANTHAPURAM.
- 2. SUB INSPECTOR OF POLICE**
NJARAKKAL POLICE STATION, ERNAKULAM DISTRICT.
- 3. MUHSINA MAJEED E.A.**
W/O.SHEBEEL, EDAKKUTTATHIL HOUSE
NAYARAMBALAM P.O., ERNAKULAM DISTRICT - 682 509.

R3 BY ADV. SRI.R.SREEHARI
R1-R2 BY PUBLIC PROSECUTOR SMT. V.H.JASMINE

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 03-08-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Crl.MC.No. 4129 of 2015 ()

APPENDIX

PETITIONERS' EXHIBITS

**ANNX.I - CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO.1551/2014 ON
THE FILE OF NJARAKKAL POLICE STATION.**

RESPONDENTS' EXHIBITS

NIL

// TRUE COPY //

P.A. TO JUDGE

SD

P. UBAID, J.

Crl.M.C.No.4129 of 2015

Dated this the 3rd day of August, 2015

O R D E R

The petitioners herein are the three accused in C.C. 1783/2015 of the Judicial First Class Magistrate Court, Njarakkal. 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 498(A), 451, 323, 294(b) read with 34 IPC, on the complaint of one Muhsina Majeed, who is the 3rd respondent in this proceeding brought under Section 482 of the Code of Criminal Procedure. The petitioners have produced copy of the agreement between the petitioners and the respondent No.3 by which the parties have settled and resolved the whole dispute forever.

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.

In the result, this petition is allowed. The prosecution against the petitioners herein in C.C. 1783/2015 of the Judicial First Class Magistrate Court, Njarakkal 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

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