

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 14TH DAY OF JULY 2015/23RD ASHADHA, 1937

Crl.MC.No. 4336 of 2015

**IN C.C.No.417/2015 OF JUDICIAL FIRST CLASS MAGISTRATE COURT,
MALAPPURAM
CRIME NO. 217/2014 OF KONDOTTY POLICE STATION , MALAPPURAM**

PETITIONERS/ACCUSED :-

1. MUHAMMED RAFEEQUE BUKHARI, AGED 30 YEARS,
S/O.VEEERANKUTTY PARAKKUNNAM.
2. KUNJIKKADIYA, AGED 63 YEARS,
M/O.MUHAMMED RAFEEQUE BUKHARI.
3. BUSHRA, AGED 45 YEARS,
D/O.VEEERANKUTTY PARAKKUNNAN.

(ALL THE PETITIONERS ARE RESIDING AT BUSHRA MANZIL,
PEVUMTHARAYIL HOUSE, OZHUKUR.P.O,
MALAPPURAM DISTRICT).

BY ADV. SRI.P.SAMSUDIN

RESPONDENTS/DE-FACTO COMPLAINANT AND STATE :-

1. MAJIDA JANNATH, AGED 21 YEARS,
D/O.MARAKKARKUTTY.M.K, ELAYATHODU HOUSE,
KEEZHUPARAMBA.P.O, 673639, AREKKOD(VIA),
MALAPPURAM DISTRICT.
2. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682031.

**R1 BY ADV. SRI.JITHIN LUKOSE
R BY SMT.S.HYMA, PUBLIC PROSECUTOR**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
14-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Crl.MC.No. 4336 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES :-

**ANNEXURE-A1 :- TRUE COPY OF THE FINAL REPORT IN CRIME NO.217/2014 OF
KONDOTTY POLICE STATION.**

**ANNEXURE-A2 :- THE AFFIDAVIT DATED 15.06.2015 SWORN IN BY THE IST
RESPONDENT.**

RESPONDENT(S)' ANNEXURES :- NIL

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//TRUE COPY//

P.A. TO JUDGE

P.UBAID, J.

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Crl.M.C.No.4336 of 2015

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Dated this the 14th day of July, 2015

ORDER

The petitioners herein are the accused in C.C. No.417 of 2015 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 498 (A) and 406 read with Section 34 of Indian Penal Code on the complaint of one Majida Jannath M.K., 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 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. 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. It is submitted that the marital tie between the complainant and her husband stands dissolved.

In the result, this petition is allowed. The prosecution against the petitioners herein in C.C. No.417 of 2015 of the Judicial First Class Magistrate's 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

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//TRUE COPY//

P.A. TO JUDGE