

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. 4344 of 2015

CC 90/2013 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-I,HOSDRUG

CRIME NO. 52/2012 OF CHANDERA POLICE STATION , KASARGOD

PETITIONERS/ACCUSED NOS.1 TO 3 :-

- 1. ISMAIL AGED 35 YEARS,
S/O.KUNJUMOIDEEN, RESIDING AT REJILLATH HOUSE,
VADAKKUMBAD, VADAKKETHUKKARIPPUR VILLAGE,
KASARAGOD DISTRICT.**
- 2. RAMLATH K., AGED 29 YEARS,
W/O.IBRAHIM, RESIDING AT REJILLATH HOUSE, VADAKKUMBAD,
VADAKKETHUKKARIPPUR VILLAGE, KASARAGOD DISTRICT.**
- 3. MARIYUMMA K., AGED 63 YEARS,
W/O.KUNJIMOIDEEN, RESIDING AT REJILLATH MANZIL,
VADAKKUMBAD, VADAKKETHUKKARIPPUR VILLAGE,
KASARAGOD DISTRICT.**

BY ADV. SRI.K.P.HARISH

RESPONDENT(S)/STATE AND DEFACTO COMPLAINANT (CW1):

- 1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. FIROSINA C.H., AGED 31 YEARS
D/O.MUHAMMED AND W/O.ISMAIL K.
RESIDING AT M.K.HOUSE, MUZAKEEL, MADAKKARA
THURUTHI IN CHERUVATHUR VILLAGE, HOSDURG TALUK
KASARAGOD DISTRICT.**

**R1 BY SRI.S.HYMA,PUBLIC PROSECUTOR
R2 BY ADV. KUM.K.SASIKALA**

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

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APPENDIX

PETITIONER(S)' ANNEXURES :-

**ANNEXURE A1 :- THE TRUE COPY OF THE FIR IN CRIME NO.52 OF 2012 DATED
25.01.2012 OF CHANDERA POLICE STATION.**

**ANNEXURE A2 :- THE TRUE COPY OF THE FINAL REPORT DATED 31.03.2012 IN
CRIME NO.52/2012 OF CHANDERA POLICE STATION AS
NUMBERED AS CC NO.90/2013 OF THE JUDICIAL FIRST CLASS
MAGISTRATE COURT-I, HOSDURG.**

**ANNEXURE A3 :- THE TRUE COPY OF THE AFFIDAVIT DATED 02.07.2015 SIGNED
AND EXECUTED BY THE SECOND 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.4344 of 2015

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Dated this the 14th day of July, 2015

ORDER

The petitioners herein are the three accused in C.C. No.90 of 2013 of the Judicial First Class Magistrate Court-I, Hosdurg. 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) read with Section 34 of Indian Penal Code on the complaint of one Firosina.C.H., who is the 2nd 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. The affidavit filed by the complainant shows that she has reunited with the accused, and they are now living together happily and peaceably. In such a situation, it is appropriate that the prosecution be closed. Continuance of the prosecution will definitely cause problems in matrimony.

In the result, this petition is allowed. The prosecution against the petitioners herein in C.C. No.90 of 2013 of the Judicial First Class Magistrate Court-I, Hosdurg 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

rkj

//TRUE COPY//

P.A. TO JUDGE