

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 15TH DAY OF JULY 2015/24TH ASHADHA, 1937

Cr1.MC.No. 4400 of 2015

AGAINST CC 505/2014 of J.M.F.C., PARAPPANANGADI

CRIME NO. 1450/2013 OF TANUR POLICE STATION, MALAPPURAM

PETITIONERS/ACCUSED 1 TO 3:

1. ANWAR, AGED 38 YEARS,
S/O.MUHAMMED, KAYAL MADATHIL, KAMMANAM,
THOOVAKKAD P.O, KARUVAKUNNU, MALAPPURAM DISTRICT.
2. MUHAMMED, AGED 62 YEARS,
S/O.MUHAMMED, KAYAL MADATHIL
KAMMANAM, THOOVAKKAD PO, KARUVAKUNNU,
MALAPPURAM DISTRICT
3. SAKKEER, AGED 42 YEARS,
S/O.MUHAMMED, KAYAL MADATHIL, KAMMANAM,
THOOVAKKAD PO, KARUVAKUNNU, MALAPPURAM DISTRICT

BY ADV. SRI.A.KRISHNAN

RESPONDENTS/COMPLAINANT:

1. HASEENA, AGED 30 YEARS,
D/O.SULAIMAN, PALLIPARAMBIL HOUSE,
UNNYAL NIRAMARUTHOOR P.O, UNNYAL BEACH ROAD, TANUR,
MALAPPURAM DISTRICT 676109
2. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, AT ERNAKULAM

R1 BY ADV. SMT.T.J.SEEMA

R2 BY PUBLIC PROSECUTOR SRI.DHANESH MATHEW MANJURAN

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 15-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Cr1.MC.No. 4400 of 2015

APPENDIX

PETITIONERS' ANNEXURES:

ANNEXURE A: COPY OF THE COMPLAINT DATED 09.12.2014 FILED BEFORE
THE HON'BLE JFCM COURT, PARAPPANANGADI

ANNEXURE B: COPY OF THE FIRST INFORMATION REPORT IN CRIME NO.
1450/2013 OF TANUR POLICE STATION, DATED 11.12.2013

ANNEXUURE C: COPY OF THE FINAL REPORT IN CRIME NO.1450/2013 OF
TANUR POLICE STATION, DATED 06.01.2014

ANNEXURE D: COPY OF THE AFFIDAVIT OF THE DEFACTO COMPLAINANT
DATED 30.06.2015

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.4400 of 2015

Dated this the 15th day of July, 2015

O R D E R

The petitioners herein are the three accused in C.C No.505/2014 of the Judicial First Class Magistrate Court, Parappanangadi. 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 406, 498A, 323 and 354 r/w 34 of the Indian Penal Code on the complaint of one Haseena 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 the 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. It is submitted that the complainant has now joined the 1st accused in matrimony, and that they are now living happily and peaceably as husband and wife. In such a situation continuance of the prosecution will do harm and hardship to them and will create further problems in matrimony. It is appropriate that the prosecution be quashed. 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 No.505/2014 of the Judicial First Class Magistrate Court, Parappanangadi 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.

**P.UBAID
JUDGE**

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