

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. 4427 of 2015

IN C.C 750/2015 of J.M.F.C.-I, ALUVA

PETITIONERS/ACCUSED:

1. MALIK SALAM, AGED 25 YEARS,
S/O ABDUL SALAM, KUNNUPURATH HOSUE, KARIKODE KARA,
KARIKODE VILLAGE
IDUKKI DISTRICT NOW RESIDING ON RENT IN
THE HOUSE OF GRACE JOHNSON,
CHETTIPARAMBIL, NEAR VIDYODAYA SCHOOL, EDATHALA KARA
ALUVA EAST VILLAGE.
2. ABDUL SALAM, AGED 55 YEARS,
S/O ABDULKAREEM, DO DO DO.
3. BILAL, AGED 22 YEARS,
S/O ABDUL SALAM, DO DO DO

BY ADV. SRI.V.K.VEERAVUNNY

RESPONDENTS/COMPLAINANTS:

1. KERALA STATE
REPRESENTED BY THE SUB INSPECTOR OF POLICE,
ALUVA EAST POLICE STATION,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.
2. SAFIYA, AGED 24 YEARS,
D/O ABDUL RAHIMAN, KAMMATTATHIL HOUSE,
NERIAMANGALAM KARA, NERIAMANGALAM VILLAGE,
ERNAKULAM DISTRICT NOW RESIDING ON RENT IN
THE HOUSE OF KIZHAKKE AZEEZ
NEAR M.H.JUNCTION, PERUMBAVOOR KARA, VENGOLA VILLAGE
PIN:683556.

R1 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. 4427 of 2015

APPENDIX

PETITIONERS' ANNEXURES:

ANNEXURE A: COPY OF CHARGE SHEET IN C.C.NO.750/2015 ON THE FILE
OF THE JFCM1, ALUVA.

ANNEXURE A1: THE ORIGINAL AGREEMENT DATED 17.6.2015.

ANNEXURE A2: AFFIDAVIT EXECUTED BY THE 2ND RESPONDENT.

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.4427 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.750/2015 of the Judicial First Class Magistrate Court I, Aluva. 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), 406, 420 and 323 r/w 34 of the Indian Penal Code on the complaint of one Safiya, 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 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. 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 No.750/2015 of the Judicial First Class Magistrate Court I, Aluva 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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