

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 31ST DAY OF JULY 2015/9TH SRAVANA, 1937

Crl.MC.No. 4440 of 2015 (C)

CRIME NO. 326/2015 OF KARIPUR POLICE STATION, MALAPPURAM

PETITIONERS/ACCUSED :-

1. **ALI, S/O.KUNHANI MUSLIAR, POKKATTIRI,
THEYYALA, MALAPPURAM DISTRICT.**
2. **NAFEESA, W/O.KUNHANI MUSLIAR,
POKKATTIRI, THEYYALA,
MALAPPURAM DISTRICT.**
3. **FATHIMA, D/O.KUNHANI MUSLIAR,
POKKATTIRI, THEYYALA,
MALAPPURAM DISTRICT.**
4. **KAMARUDHEEN, S/O.KUNHANI MUSLIAR,
POKKATTIRI, THEYYALA,
MALAPPURAM DISTRICT.**

BY ADV. SRI.K.RAKESH

RESPONDENTS/STATE & DEFACTO COMPLAINANT :-

1. **STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, KOCHI - 682 031
THROUGH THE SUB INSPECTOR OF POLICE,
KARIPPUR POLICE STATION, MALAPPURAM DISTRICT.**
2. **SALEENA, D/O.ALI, PALATT HOUSE, ANTHIYURKUNNU,
KONDOTTY, MALAPPURAM DISTRICT, PIN - 676 505.**

R1 BY SMT.S.HYMA, PUBLIC PROSECUTOR

R2 BY ADV. SRI.R.RANJITH

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
31-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

rkj

Crl.MC.No. 4440 of 2015 (C)

APPENDIX

PETITIONER(S)' ANNEXURES :-

**ANNEXURE A: TRUE COPY OF THE F.I.R. IN CRIME NO.326/2015 OF THE KARIPPUR
POLICE STATION DATED, 07.05.2014.**

**ANNEXURE B: TRUE COPY OF THE AFFIDAVIT SWORN TO BY THE 2ND
RESPONDENT DATED, 30.06.2015.**

RESPONDENT(S)' ANNEXURES :- NIL

//TRUE COPY//

P.A. TO JUDGE

rkj

P.UBAID, J.

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Crl.M.C.No.4440 of 2015

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Dated this the 31st day of July, 2015

ORDER

The petitioners seek orders quashing the F.I.R and further proceedings in Crime No.326 of 2015 of the Karippur Police Station, Malappuram, registered under Sections 498A, 406 and read with Section 34 of the Indian Penal Code on the complaint of one Saleena. Orders are sought on the ground of amicable settlement of the whole dispute between the accused and the de facto complainant out of court. The de facto complainant 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.

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 prosecution; be it at the crime stage or at the trial stage or even at the appellate or revision stage; if the parties have really settled the whole dispute or if continuance of prosecution will not serve any purpose. Here, I find a real case of settlement between the parties and I also find that continuance of prosecution in such a situation will not serve any purpose

other than wasting the precious time of the court, when the case ultimately comes before the court.

In the result, this petition is allowed. The F.I.R and further proceedings in Crime No.326 of 2015 of the Karippur Police Station, Malappuram will stand quashed under Section 482 of the Code of Criminal Procedure.

Sd/-
P.UBAID
JUDGE

rkj

//TRUE COPY//

P.A. TO JUDGE