

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 24TH DAY OF JULY 2015/2ND SRAVANA, 1937

Crl.MC.No. 4461 of 2015 ()

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AGAINST CC NO.2472/2012 of JUDICIAL FIRST CLASS MAGISTRATE, TIRUR
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PETITIONERS/ACCUSED :

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- 1. SAINUDHEEN, AGED 30 YEARS
S/O. MOIDEEN, URUNIYAN HOUSE, RANDATHANI P.O.
KALPAKANCHERY, MALAPPURAM DISTRICT-676 510.**
 - 2. MOIDEEN, AGED 58 YEARS
URUNIYAN HOUSE, RANDATHANI P.O., KALPAKANCHERY
MALAPPURAM DISTRICT-676 510.**
 - 3. AMINA, AGED 48 YEARS
W/O. MOIDEEN, URUNIYAN HOUSE, RANDATHANI P.O.
KALPAKANCHERY, MALAPPURAM DISTRICT-676 510.**

BY ADV. SRI.P.K.MOHAMED JAMEEL

RESPONDENTS/COMPLAINANTS:

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- 1. SAMEERA C.K., AGED 28 YEARS
D/O. MOHAMED, CHALATTIL KALLADITHODI HOUSE
PARANKIMOCHIKKAL, CHAPPANANGADI P.O.
MALAPPURAM DISTRICT-676 503.**
 - 2. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682 031.**

**R1 BY ADV. SRI.JINU JOSEPH
R1 BY ADV. SRI.ABDUL SHUKOOR MUNDAMBRA
R2 BY PUBLIC PROSECUTOR SMT. V.H.JASMINE**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 24-07-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

APPENDIX

PETITIONERS' EXHIBITS

**ANNEXURE A1 : COPY OF THE CRL.MP NO.9304/2012 IN CC NO.2472/2012 ON THE
FILE OF JUDICIAL FIRST CLASS MAGISTRATE COURT, TIRUR.**

ANNEXURE A2 : ORIGINAL COPY OF THE AFFIDAVIT OF 1ST RESPONDENT.

RESPONDENTS' EXHIBITS

NIL

// TRUE COPY //

P.A. TO JUDGE

SD

P. UBAID, J.

Crl.M.C. No.4461 of 2015

Dated this the 24th day of July, 2015

O R D E R

The petitioners herein are the accused in C.C. No.2472/2012 of the Judicial First Class Magistrate Court, Tirur. 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 34 IPC, on the complaint of one Sameera, 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. The victim's affidavit shows that she has re-united with the husband and that they are leading a happy and peaceable matrimony. Continuance of prosecution in such a situation will cause problems in matrimony.

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, and I am satisfied that the parties are now on quite cordial terms. 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.2472/2012 of the Judicial First Class Magistrate Court, Tirur 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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