

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

MONDAY, THE 20TH DAY OF JULY 2015/29TH ASHADHA, 1937

Crl.MC.No. 4522 of 2015

IN C.C 2589/2014 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT,
PARAPPANANGADI

CRIME NO. 828/2014 OF THIRURANGADI POLICE STATION , MALAPPURAM

PETITIONER:

SABEER, AGED 36 YEARS,
S/O.HASSANKUTTY, KOLLAMJERI HOUSE,
KOZHIPARAMBATH, PALAKKAL,
VELLIMUKKU, MALAPPURAM DISTRICT.

BY ADV. SRI.U.K.DEVIDAS

RESPONDENTS:

1. STATE OF KERALA,
REPRESENTED BY SUB INSPECTOR OF POLICE,
THIRURANGADI, THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM.
2. JASMIN MOYIKKAL, AGED 25 YEARS,
D/O.MOIDEEN, MOYIKKAL HOUSE,
PARIYAPURAM AMSOM DESOM, TIRUR,
MALAPPURAM DISTRICT - 676 101.

R2 BY ADV. SMT.P.M.SHAHIDA
R1 BY PUBLIC PROSECUTOR SMT.S.HYMA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
20-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Cr1.MC.No. 4522 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE I: COPY OF THE FIR IN TIRURANGADI POLICE STATION IN
CRIME NO.828/2014.

ANNEXURE II: COPY OF THE FINAL REPORT IN TIRURANGADI POLICE
STATION IN CRIME NO.828/2014

ANNEXURE I: AFFIDAVIT DATED 10.7.2015.

RESPONDENT'S ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.4522 of 2015

Dated this the 20th day of July, 2015

O R D E R

The petitioner herein is the accused in C.C No.2589/2014 of the Judicial First Class Magistrate Court, Parappanangadi. He seeks orders quashing the prosecution on the ground of amicable settlement of the whole dispute between him and the de facto complainant. Crime in this case was registered under Section 498(A) of the Indian Penal Code on the complaint of one Jasmin Moyikkal 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 petitioner herein in C.C No.2589/2014 of the Judicial First Class Magistrate Court, Parappanangadi will stand quashed under Section 482 of the Code of Criminal Procedure. Accordingly, the petitioner will stand released from prosecution, and the bail bond, if any, executed by him will stand discharged.

**Sd/-
P.UBAID
JUDGE**

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