

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 21ST DAY OF JULY 2015/30TH ASHADHA, 1937

Crl.MC.No. 4578 of 2015

IN C.C NO.414/2014 of J.M.F.C., PERAMBRA

CRIME NO. 755/2013 OF BALUSSERY POLICE STATION, KOZHIKODE

PETITIONER/ACCUSED:

ABDUL NAZAR, AGED 38 YEARS,
S/O.POKKER KUTTY, VADAKKU VEETIL HOUSE,
BALUSSERY AMSOM, UNNIKULAM DESOM, THAMARASSERY TALUK
KOZHIKKODE.

BY ADV. SRI.S.KANNAN

RESPONDENTS/STATE AND DEFACTO COMPLAINANT:

1. THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682031.
2. SHAFNA, AGED 28 YEARS,
D/O.P.MOHAMMED, CHEEKILODU PILATHOTTATHIL,
ATHOLI P.O., KOZHIKODE DISTRICT-673008.

R2 BY ADV. SMT.M.SHAJNA

R1 BY PUBLIC PROSECUTOR SMT.V.H.JASMINE

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 21-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Cr1.MC.No. 4578 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE A1: COPY OF THE FINAL REPORT IN C.C NO.414/2014 ON THE
FILE OF THE JFCM COURT, PERAMBRA.

ANNEXURE A2: COPY OF THE AFFIDAVIT DATED 6.3.2015

RESPONDENT'S ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.4578 of 2015

Dated this the 21st day of July, 2015

O R D E R

The petitioner herein is the sole accused in C.C No.414/2014 of the Judicial First Class Magistrate Court, Perambra. 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 Sections 406 and 498A on the complaint of one Shafna 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.414/2014 of the Judicial First Class Magistrate Court, Perambra 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.

**P.UBAID
JUDGE**

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