

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

Cr1.MC.No. 4582 of 2015

IN C.C NO.1048/2014 of J.M.F.C I, TIRUR

CRIME NO. 657/2013 OF KALPAKANCHERY POLICE STATION, MALAPPURAM

PETITIONERS/ACCUSED:

1. ANWAR, AGED 28 YEARS,
S/O. SAIDALIKUTTY, PALAKKATHOTTY HOUSE, STAGEPADY,
POST PONMUNDAM, TIRUR TALUK, MALAPPURAM DISTRICT.
2. PATHUMU, AGED 52 YEARS,
W/O. SAIDALIKUTTY, PALAKKATHOTTY HOUSE, STAGEPADY,
POST PONMUNDAM, TIRUR TALUK, MALAPPURAM DISTRICT.
3. NASEERA,
D/O. SAIDALIKUTTY, PALAKKATHOTTY HOUSE, STAGEPADY,
POST PONMUNDAM, TIRUR TALUK, MALAPPURAM DISTRICT.

BY ADVS.SRI.C.M.MOHAMMED IQUABAL
SMT.ANJALI G.KRISHNAN

RESPONDENTS/STATE & COMPLAINANT:

1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.
2. FARISA, AGED 23 YEARS,
D/O. OLAKARA BASHEER, CHILAVIL DESOM, POST PONMUNDAM,
TIRUR TALUK, MALAPPURAM DISTRICT - 676 106.

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. 4582 of 2015

APPENDIX

PETITIONERS' ANNEXURES:

A1 - COPY OF THE COMPLAINT OF THE 2ND RESPONDENT DT. 21.10.13.

A2 - COPY OF THE FIR IN CRIME NO. 657/2013 DT. 21.10.13.

A3 - COPY OF THE CHARGE IN CRIME NO. 657/2013 OF KALPAKANCHERRY
POLICE STATION DT. 21.10.13.

A4 - COPY OF THE AGREEMENT BETWEEN THE 1ST PETITIONER AND THE 2ND
RESPONDENT DT. 15.11.14.

A5 - COPY OF THE AFFIDAVIT OF THE 2ND RESPONDENT DT. 10.7.15.

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.4582 of 2015

Dated this the 21st day of July, 2015

O R D E R

The petitioners herein are the three accused in C.C No.1048/2014 of the Judicial First Class Magistrate Court I, 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 Section 498A of the Indian Penal Code on the complaint of one Farisa 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.1048/2014 of the Judicial First Class Magistrate Court I, 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.

**P.UBAID
JUDGE**

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