

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 22ND DAY OF JULY 2015/31ST ASHADHA, 1937

Crl.MC.No. 4621 of 2015

C.C.NO. 4116/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, IRINJALAKUDA

CRIME NO. 316/2014 OF IRINJALAKUDA POLICE STATION , THRISSUR

PETITIONER/COMPLAINANT :-

**1. SIDDIQUE, AGED 41 YEARS,
S/O.ABDUL KHADER,
VAZHAKKAMADAM HOUSE,
KARUPPADANNA DESOM,
THEKKUMKARA VILLAGE,
MUKUNDAPURAM TALUK.**

**2. RABIYA, AGED 61 YEARS,
W/O.ABDUL KHADER,
VAZHAKKAMADAM HOUSE,
KARUPPADANNA DESOM,
THEKKUMKARA VILLAGE,
MUKUNDAPURAM TALUK.**

**BY ADVS.SRI.G.SREEKUMAR (CHELUR)
SRI.N.L.BITTO**

RESPONDENTS/STATE OF KERALA AND THE COMPLAINANT :-

**1. THE STATE OF KERALA,
REP. BY THE SUB INSPECTOR OF POLICE,
KATTOOR POLICE STATION THROUGH THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA
AT ERNAKULAM - 682 031.**

**2. LAILA, AGED 39 YEARS,
D/O.ABDUL, VELAMPARAMBIL HOUSE,
KUZHIKKATTUKONAM DESOM,
MADAYIKONAM VILLAGE,
MUKUNDAPURAM TALUK - 680 001.**

**R1 BY SMT.V.H.JASMINEM PUBLIC PROSECUTOR
R2 BY ADV. SRI.K.ASHIS**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
22-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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APPENDIX

PETITIONER(S)' ANNEXURES :-

- ANNEXURE-I :- A TRUE COPY OF THE FIR IN CRIME NO.316 OF 2014 DATED 06.02.2014 OF THE IRINJALAKUDA POLICE STATION.**
- ANNEXURE-II :- A TRUE COPY OF THE FINAL REPORT IN CRIME NO.316 OF 2014 OF THE IRINJALAKUDA POLICE STATION DATED 31.03.2014.**
- ANNEXURE-III :- A TRUE COPY OF THE COMPROMISE PETITION FILED IN O.P.NO.257 OF 2014 BEFORE THE FAMILY COURT, IRINJALAKUDA DATED 29.01.2015.**
- ANNEXURE-IV :- AN AFFIDAVIT FILED BY THE 2ND RESPONDENT DATED 19.07.2015 REGARDING SETTLEMENT.**

RESPONDENT(S)' ANNEXURES :- NIL

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//TRUE COPY//

P.A. TO JUDGE

P.UBAID, J.

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Crl.M.C.No.4621 of 2015

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Dated this the 22nd day of July, 2015

ORDER

The petitioners herein are the two accused in C.C.No.4116 of 2014 of the Judicial First Class Magistrate Court, Irinjalakuda. 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) and 323 of the Indian Penal Code on the complaint of one Laila, 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 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.4116 of 2014 of the Judicial First Class Magistrate Court, Irinjalakuda 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.

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//TRUE COPY//

P.A. TO JUDGE

Sd/-
P.UBAID
JUDGE