

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 1ST DAY OF SEPTEMBER 2015/10TH BHADRA, 1937

Crl.MC.No. 4623 of 2015 (A)

**C.C.NO.8941/2013 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, IRINJALAKUDA,
THRISSUR DISTRICT**

CRIME NO. 962/2013 OF KATTOOR POLICE STATION , THRISSUR

PETITIONERS/ACCUSED :-

- 1. ANWAR, AGED 29 YEARS,
S/O.ASHRAF, KIDANGASSERY HOUSE,
EAST THANISSERI,
KALLADA ROAD, THRISSUR DISTRICT.**
- 2. VAHIDA, AGED 45 YEARS,
KIDANGASSERY HOUSE,
EAST THANISSERI, KALLADA ROAD,
THRISSUR DISTRICT.**
- 3. BASHEER, AGED 49 YEARS,
S/O.MAKKANUNNI, KIDANGASSERY HOUSE,
EAST THANISSERI,
KALLADA ROAD, THRISSUR DISTRICT.**

**BY ADVS.SRI.RENJITH THAMPAN (SR.)
SMT.P.R.REENA**

RESPONDENT(S)/COMPLAINANT & STATE :-

- 1. NAJMA, AGED 20 YEARS,
D/O.KHADER, THANATHUPARAMBIL HOUSE,
CHERUVALOOR P.O.,
VALOOR DESOM, KALLUR-THEKKUMMURI VILLAGE,
MUKUNDAPURAM TALUK, THRISSUR DISTRICT, PIN-680 321.**
- 2. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, PIN – 682 031.**

R2 BY SMT. REMA R., PUBLIC PROSECUTOR

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 01-09-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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Crl.MC.No. 4623 of 2015 (A)

APPENDIX

PETITIONER(S)' ANNEXURES :-

**ANNEXURE I : CERTIFIED COPY OF THE FIR IN CR.NO.962/2013 OF KATTOOR
POLICE STATION.**

**ANNEXURE II : TRUE COPY OF THE AFFIDAVIT SWORN BY THE 1S RESPONDENT
WITH RESPECT TO THE COMPROMISE DATED 20-05-2015.**

**ANNEXURE III : TRUE COPY OF THE AFFIDAVIT SWORN BY THE PETITIONERS WITH
RESPECT TO THE COMPROMISE DATED 20.07.2015.**

RESPONDENT(S)' ANNEXURES :- NIL

//TRUE COPY//

P.A. TO JUDGE

rkj

P.UBAID, J.

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Crl.M.C.No.4623 of 2015

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Dated this the 1st day of September, 2015

ORDER

The petitioners herein are the three accused in C.C.No.8941 of 2013 of the Judicial First Class Magistrate Court, Irinjalakuda, Thrissur. 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 406, 498A and 323 on the complaint of one Najma, 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.

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. 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.

3. The victim's affidavit shows that the whole matrimonial dispute stands resolved forever, and that the victim has already received the things due from her husband. In such a situation, she does not want to continue the proceeding.

In the result, this petition is allowed. The prosecution against the petitioners herein in C.C.No.8941 of 2013 of the Judicial First Class Magistrate Court, Irinjalakuda, Thrissur 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

rkj

//TRUE COPY//

P.A. TO JUDGE