

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 13TH DAY OF AUGUST 2015/22ND SRAVANA, 1937

Crl.MC.No. 4626 of 2015 ()

AGAINST C.C. 860 OF 2014 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT,
PAYYANNUR

PETITIONER(S)/ACCUSED:

1. SHAHIL T.P. AGED 33 YEARS
S/O.LATE MAHAMOOD HAJI, C.H HOUSE, MOTTAMBRAM
MADAYI PO
2. SAIBUNNEESA T.P, AGED 57 YEARS
W/O.LATE MAHAMOOD HAJI, C.H HOUSE, MOTTAMBRAM
MADAYI PO
3. SHABINA TP AGED 35 YEARS
W/O.LATE MAHAMOOD HAJI, C.H HOUSE, MOTTAMBRAM
MADAYI P.O.

BY ADVS.SRI.SUNIL NAIR PALAKKAT
SRI.K.N.ABHILASH

RESPONDENT(S)/STATE AND DEFACTO COMPLAINANT:

1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM, PIN 682031
2. STATION HOUSE OFFICER
PAZHAYANGADI POLICE STATION, KANNUR 670304
3. WAFK K
D/O.YOUSAF, WAHIDA MANZIL, NEAR YASSIM MOSQUE
MADAYI PO, KANNUR 670304

R3 BY ADV. SRI.K.K.ANIL KUMAR
R1 BY PUBLIC PROSECUTOR SMT.S.HYMA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
13-08-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Crl.MC.No. 4626 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE A1:THE TRUE COPY OF FIR NO.733/2013 OF THE PAZHAYANGADI
POLICE STATION DATED 03.12.2013 ALONG WITH COMPLAINT
ANNEXURE A2:TRUE COPY OF THE CHARGE IN CC.NO.860/2014 OF THE JFCM
COURT PAYYANNUR
ANNEXURE A3:AFFIDAVIT SWORN IN BY THE SECOND RESPONDENT DATED
30.04.2015

RESPONDENT(S)' EXHIBITS

/TRUE COPY/

P.S TO JUDGE

P.UBAID, J.

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**Crl. M.C No.4626 of 2015**

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Dated this the 13th August, 2015

ORDER

The petitioners herein are the three accused in C.C. No.860 of 2014 of the Judicial First Class Magistrate's Court, Payyannur. 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 Indian Penal Code on the complaint of one Wafa who is the 3rd respondent in this proceeding brought under Section 482 of the Code of Criminal Procedure. The victim 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. The victims affidavit shows that the whole matrimonial dispute stands resolved forever. It is submitted that the victim has joined her husband in matrimony in terms of the compromise arrived at in mediation, and that she is leading a happy matrimony with

her husband. In such a situation, it is appropriate that the prosecution be closed because continuance of the prosecution may defile their present happy matrimony.

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, 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.860 of 2014 of the Judicial First Class Magistrate's Court, Payyannur 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**

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/True copy/

P.S to Judge

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**P.UBAID
JUDGE**