

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 28TH DAY OF JULY 2015/6TH SRAVANA, 1937

Crl.MC.No. 4759 of 2015

CC NO. 871/2013 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-I, HOSDRUG,

CRIME NO. 252/2012 OF CHANDERA POLICE STATION , KASARGOD

PETITIONER(S)/ACCUSED :-

**MAHIN T.P.,AGED 56 YEARS,
S/O.MAMMU HAJEE, PATTILLATH HOUSE,
PADANNA VILLAGE, HOSDURG TALUK,
KASARAGOD DISTRICT.**

BY ADV. SRI.JAWAHAR JOSE

RESPONDENT(S)/STATE, DEFACTO COMPLAINANT & STATE :-

- 1. THE STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. SUBAIDA M.V., AGED 44 YEARS,
W/O.MAHIN T.P.,RESIDING AT SHAHID MANZIL,
THEKKEPURAM, PADANNA VILLAGE,
HOSDURG TALUK, KASARAGOD DISTRICT.**

**R1 BY SMT.S.HYMA, PUBLIC PROSECUTOR
R2 BY ADV. SRI.K.ABDUL JAWAD**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 28-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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APPENDIX

PETITIONER(S)' ANNEXURES :-

ANNEXURE-A: THE CERTIFIED COPY OF THE PRIVATE COMPLAINT.

ANNEXURE-B: THE CERTIFIED COPY OF FIR.

ANNEXURE-C: THE CERTIFIED COPY OF CHARGE SHEET.

ANNEXURE-D: THE TRUE COPY OF AGREEMENT EVIDENCING SETTLEMENT.

ANNEXURE-E: THE COPY OF AFFIDAVIT EVIDENCING SETTLEMENT.

RESPONDENT(S)' ANNEXURES :- NIL

//TRUE COPY//

P.A. TO JUDGE

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P.UBAID, J.

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Crl.M.C.No.4759 of 2015

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Dated this the 28th day of July, 2015

ORDER

The petitioner herein is the accused in C.C.No.871 of 2013 of the Judicial First Class Magistrate Court-I, Hosdurg. 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 143, 147, 148, 447, 498-A and read with Section 149 of the Indian Penal Code on the complaint of one Subaida, 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.

3. The victim's affidavit shows that she has reunited with her husband, and that she is now leading a very happy matrimony with husband and five children. In such a situation, continuance of prosecution will cause harm and hardship to both the parties.

In the result, this petition is allowed. The prosecution against the petitioner herein in C.C.No.871 of 2013 of the Judicial First Class Magistrate Court-I, Hosdurg 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.

Sd/-
P.UBAID
JUDGE

rkj

//TRUE COPY//

P.A. TO JUDGE