

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 6TH DAY OF OCTOBER 2015/14TH ASWINA, 1937

Crl.MC.No. 4819 of 2015 ()

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CC 611/2015 of JUDICIAL FIRST CLASS MAGISTRATE COURT, ADOOR
CRIME NO. 1659/2014 OF PANDALAM POLICE STATION , PATHANAMTITTA DISTRICT
=====**

PETITIONERS/ACCUSED 1 & 2:

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- 1. THAJUDEEN Y., AGED 40 YEARS
S/O. YOOSAF RAWTHER, RAWTHER
VEEDU, KADAKKADU, PANDALAM P.O 689 501**
 - 2. NABEEZATH, AGED 60 YEARS
W/O. YOSAF RAWTHER, RAWTHER VEEDU
KADAKKADU, PANDALAM P.O 689 501**

BY ADV. SRI.S.MUHAMMED HANEEFF

RESPONDENTS/STATE & COMPLAINANT:

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- 1. STATE OF KERALA
REPRESENTED SUB INSPECTOR OF POLICE
PANDALAM POLICE STATION (CRIME NO 1659/2014)
PANDALAM, PATHANAMTHITTA DISTRICT 689 501**
 - 2. AMBILI, AGED 37 YEARS, D/O. SUHARBAN BEEVI
THADATHILMAN PURAYIDATHIL
KAREEMKUDUKKA, VAKAYAR, V- KOTTAYAM
PATHANAMTHITTA DISTRICT 689 522**

**R2 BY ADV. SMT.K.L.LAKSHMI RANI
R1 BY PUBLIC PROSECUTOR SMT. SHEEBA M.T.**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 06-10-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

APPENDIX

PETITIONERS' EXHIBITS

**ANNEXURE A1 A CERTIFIED COPY OF THE FIR IN CRIME NO 1659/2014 OF
PANDALAM POLICE STATION DT 16-12-2014**

**ANNEXURE A2 A CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO 1659/2014 OF
PANDALAM POLICE STATION DT 13-02-2015**

**ANNEXURE A3 A TRUE COPY OF THE F.I.STATEMENT GIVEN BY THE 2ND
RESPONDENT BEFORE THE KONNI POLICE DATED 16.12.2014**

RESPONDENTS' EXHIBITS

NIL

TRUE COPY

P.A. TO JUDGE

SD

P. UBAID, J.

Crl.M.C.No.4819 of 2015

Dated this the 6th day of October, 2015

O R D E R

The petitioners herein are the accused in C.C.No.611/2015 of the Judicial First Class Magistrate Court, Adoor. 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 498-A read with 34 IPC, on the complaint of one Ambili, 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. Her affidavit shows that the whole matrimonial dispute stands resolved forever. It is submitted that the parties have parted ways in terms of the settlement and that all her dues stand settled. In such a situation, it is appropriate that the prosecution be quashed.

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.

In the result, this petition is allowed. The prosecution against the petitioners herein in C.C.No.611/2015 of the Judicial First Class Magistrate Court, Adoor 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.A. to Judge