

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 4TH DAY OF AUGUST 2015/13TH SRAVANA, 1937

CrI.MC.No. 4958 of 2015 ()

**AGAINST THE ORDER/JUDGMENT IN CC 589/2013 of J.M.F.C.- I, OTTAPPALAM
CRIME NO. 360/2013 OF CHERPULASSERY POLICE STATION , PALAKKAD**

PETITIONERS/ACCUSED:

1. SIDDIQUE, S/O.MUHAMMED KUTTY,
PULAKKAL VEEDU, PENGATTIRI, PALAKKAD DISTRICT.
2. MUHAMMED KUTTY, S/O.KUNHAYAMMU,
PULAKKAL VEEDU, PENGATTIRI, PALAKKAD DISTRICT.
3. MARIYA, W/O.MUHAMMED KUTTY,
PULAKKAL VEEDU, PENGATTIRI, PALAKKAD DISTRICT.
4. HAMZA, S/O.MUHAMMED KUTTY,
PULAKKAL VEEDU, PENGATTIRI, PALAKKAD DISTRICT.
5. ABOOBACKER, S/O.MUHAMMED KUTTY,
PULAKKAL VEEDU, PENGATTIRI, PALAKKAD DISTRICT.

**BY ADVS.SRI.BABU S. NAIR
SRI.R.RANJITH (K/489/2011)**

RESPONDENTS/STATE & DEFACTO COMPLAINANT:

1. THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM
KOCHI-682 031 -THROUGH THE SUB INSPECTOR OF POLICE,
CHERPULASSERY POLICE STATION, PALAKKAD DISTRICT.
2. SABIRA, W/O.SIDDIQUE,
THOTTATHIL VEEDU, KURUVATTOOR P.O, OTTAPALAM TALUK,
PALAKKAD DISTRICT, PIN-679 336.

**R2 BY ADV. SMT.M.LISHA
R BY PUBLIC PROSECUTOR**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
04-08-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Crl.MC.No. 4958 of 2015 ()

APPENDIX

PETITIONER(S)' ANNEXURE:

**ANNX.A - TRUE COPY OF THE FIR IN CRIME NO.360/2013 OF THE
CHERPULASSERY POLICE STATION DATED 15.4.2013**

**ANNX.B - TRUE COPY OF THE CHARGE IN CRIME NO.360/2013 OF THE
CHERPULASSERY POLICE STATION**

**ANNX.C - TRUE COPY OF THE AFFIDAVIT SWORN TO BY THE 2ND RESPONDENT
DATED 31.7.2015**

RESPONDENT(S)' ANNEXURE: **NIL**

/TRUE COPY/

P.A. TO JUDGE

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P.UBAID, J.

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Crl.M.C.No.4958 of 2015

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Dated this the 4th day of August, 2015

ORDER

The petitioners herein are the five accused in C.C.No.589 of 2013 of the Judicial First Class Magistrate Court, Ottapalam, Manjeri. 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 the Indian Penal Code on the complaint of one Sabira, 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. 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.589 of 2013 of the Judicial First Class Magistrate Court, Ottapalam, Manjeri 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