

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

Crl.MC.No. 4974 of 2015

CC NO. 748/2012 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-II, ATTINGAL

**CRIME NO. 672/2010 OF MANGALAPURAM POLICE STATION,
THIRUVANANTHAPURAM**

PETITIONERS/A1 TO A5 :-

- 1. ABDUL JALEEL, AGED 41 YEARS,
S/O. MOHAMMED SHAEED, KALLUVILA VEEDU,
MUZHUTHIRIYAVATTOM, PALLIPPURAM VILLAGE,
THIRUVANANTHAPURAM.**
- 2. MOHAMMED SAHEED, AGED 81 YEARS,
S/O. YOOSUF KUNJU, KALLUVILA VEEDU, MUZHUTHIRIYAVATTOM,
PALLIPPURAM VILLAGE, THIRUVANANTHAPURAM.**
- 3. RAMSOONA, AGED 38 YEARS,
D/O. SAIDATH, PUDUVAL VEEDU, NEAR PALLIPURAM CRP CAMP,
PALLIPPURAM VILLAGE, THIRUVANANTHAPURAM.**
- 4. SAIDATH, AGED 71 YEARS,
D/O. MARIYAM BEEVI, KALLUVILA VEEDU,
MUZHUTHIRIYAVATTOM,
PALLIPPURAM VILLAGE, THIRUVANANTHAPURAM.**
- 5. NIZAR, AGED 35 YEARS,
S/O. MOHAMMED SAHID, KALLUVILA VEEDU,
MUZHUTHIRIYAVATTOM,
PALLIPPURAM VILLAGE, THIRUVANANTHAPURAM.**

BY ADV. SRI.SHAJIN S.HAMEED

RESPONDENT(S)/STATE & CW1 :-

1. STATE OF KERALA,
REPRESENTED BY THE SUB INSPECTOR OF POLICE,
MANGALAPURAM POLICE STATION,
REPRESENTED THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM,
2. AFLA, AGED 32 YEARS,
D/O RAMLA, ABIDA MANZIL, BOODANA COLONY,
MELTHONNAKKAL VILLAGE, MANGALAPURAM,
THIRUVANANTHAPURAM, PIN-695 317

R1 BY SMT.S.HYMA, PUBLIC PROSECUTOR
R2 BY ADV. SRI.HRITHWIK

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. 4974 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES :-

**ANNEXURE A : CERTIFIED COPY OF FIR IN CRIME NO: 672/2010 OF MANGALAPURAM
POLICE STATION ALONG WITH COMPLAINT.**

**ANNEXURE B : CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO. 672/2010 OF
MANGALAPURAM POLICE STTION.**

ANNEXURE C : AFFIDAVIT EXECUTED BY THE 2ND RESPONDENT/CW1.

RESPONDENT(S)' ANNEXURES :- NIL

//TRUE COPY//

P.A. TO JDUGE

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P.UBAID, J.

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Crl.M.C.No.4974 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.748 of 2012 of the Judicial First Class Magistrate Court-II, Attingal. 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 read with 34 of the Indian Penal Code on the complaint of one Afla, 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.748 of 2012 of the Judicial First Class Magistrate Court-II, Attingal 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