

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 5TH DAY OF AUGUST 2015/14TH SRAVANA, 1937

Cr1.MC.No. 5019 of 2015

IN CC 666/2015 of J.M.F.C.-I, KANNUR

CRIME NO. 1514/2014 OF KANNUR TOWN POLICE STATION, KANNUR

PETITIONER/ACCUSED:

ABDUL SHUKKUR, S/O. IBRAHIM,
AALUVALAPPIL PUTHIYAPURAYIL,
M.P.HOUSE
NEAR HYDROSE MASJID, P.O.KAKKAD,
KANNUR - 670 005.

BY ADVS.SRI.K.R.AVINASH (KUNNATH)
SRI.ABDUL RAOOF PALLIPATH
SRI.E.MOHAMMED SHAFI

RESPONDENTS/DEFACTO COMPLAINANTS & STATE:

1. K.HASEENA,
D/O. MOHAMMED, 'BUSHRAS', THALAP,
KANNUR - 4.
2. THE STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.

R1 BY ADV. SRI.C.H.ABDUL RASAC
R2 BY PUBLIC PROSECUTOR SMT.V.H.JASMINE

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 05-08-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

Cr1.MC.No. 5019 of 2015

APPENDIX

PETITIONERS' ANNEXURES:

A1 - COPY OF THE FINAL REPORT IN CRIME NO. 1514/2014

A2 - COPY OF THE AFFIDAVIT SWORN IN BY 1ST RESPONDENT.

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

ab

P.UBAID, J.

Crl.M.C No.5019 of 2015

Dated this the 5th day of August, 2015

O R D E R

The petitioner herein is the accused in C.C No.666/2015 of the Judicial First Class Magistrate Court I, Kannur. 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 Section 498(A) of the Indian Penal Code on the complaint of one Haseena who is the 1st respondent in this proceeding brought under Section 482 of the Code of Criminal Procedure. The victim's affidavit shows that she has already been divorced by her husband, and that she has received adequate amount of compensation on amicable settlement. In such a situation, continuance of the prosecution will cause problems and embarrassment to both the parties. 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 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. 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 petitioner herein in C.C No.666/2015 of the Judicial First Class Magistrate Court I, Kannur 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.

**P.UBAID
JUDGE**

ab