

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. 5040 of 2015

IN CC 535/2014 of J.M.F.C., NEDUMKANDOM

CRIME NO. 447/2014 OF NEDUMKANDAM POLICE STATION, IDUKKI

PETITIONER/ACCUSED:

HASHIF @ ASIF, AGED 30 YEARS,
S/O.HAMMED, PUTHIYAPURAYIL HOUSE, URUVCHAL KARA,
PAZHASSI VILLAGE, KANNUR DT.
PIN - 670 668.

BY ADV. SRI.P.V.JEEVESH

RESPONDENTS/COMPLAINANTS:

1. SEENA BHEEGUM, AGED 33 YEARS,
W/O.HASHIF, SEENATH MANZIL, THOOKUPALAM KARA,
PARATHODU VILLAGE, IDUKKI DT.
PIN - 685552

2. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM,
PIN: 682 031.

R1 BY ADV. SRI.A.S.DHEERAJ

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. 5040 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE A1: FIR IN CRIME NO.4471/14 OF THE NEDUNGANDAM POLICE
STATION

ANNEXURE AII: COPY OF THE FINAL REPORT IN C.C NO.535/2014
PENDING BEFORE JFCM COURT, NEDUNGANDOM.

ANNEXURE AIII: AFFIDAVIT FILED BY THE 1ST RESPONDENT.

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.5040 of 2015

Dated this the 5th day of August, 2015

O R D E R

The petitioner herein is the sole accused in C.C No.535/2014 of the Judicial First Class Magistrate Court, Nedumkandam. 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 498A of the Indian Penal Code on the complaint of one Seena Beegam who is the 1st 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. It is submitted that the complainant stands already divorced, and that she has received adequate amount by way of benefits under the law.

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.535/2014 of the Judicial First Class Magistrate Court, Nedumkandam 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**

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