

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

MONDAY, THE 10TH DAY OF AUGUST 2015/19TH SRAVANA, 1937

Crl.MC.No. 5232 of 2015

CC 2238/2013 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-II, HOSDRUG

CRIME NO. 725/2013 OF BEKAL POLICE STATION, KASARGOD

PETITIONER(S)/ACCUSED :-

**MEHJOOB, AGED 22 YEARS,
S/O.SHAFI, NEAR DELI SA-ADIYA COLLEGE, DELI,
KALANAD, KASARAGOD DISTRICT, PIN-671 121.**

**BY ADVS.SRI.RAHUL SASI
SMT.NEETHU PREM**

RESPONDENTS/COMPLAINANT :-

**1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.**

**2. HASEENA B.K., D/O.IBRAHIM B.K.,
HASEENA MANZIL, HADDAD NAGAR,
PALLIKKARA AMSOM DESOM,
MOVVAL P.O., HOSDUSRG TALUK,
KASARAGOD DISTRICT-671 316.**

**R1 BY SMT.S.HYMA, PUBLIC PROSECUTOR
R2 BY ADV. SRI.NIRMAL V NAIR**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 10-08-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

rkj

Crl.MC.No. 5232 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES :-

**ANNEXURE-A1 - A TRUE COPY OF THE CHARGE SHEET IN CRIME NO. 725/2013
OF BEKAL POLICE STATION.**

ANNEXURE-A2 - AFFIDAVIT DATED 04.08.2015 SUBMITTED BY 2ND RESPONDENT.

RESPONDENT(S)' ANNEXURES :- NIL

//TRUE COPY//

P.A. TO JUDGE

rkj

PUBAID, J.

Crl.M.C.No.5232 of 2015

Dated this the 10th day of August, 2015

ORDER

The petitioner herein is accused in C.C.No.2238 of 2013 of the Judicial First Class Magistrate Court-II, Hosdurg. 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 Sections 498(A) and 406 of the Indian Penal Code on the complaint of one Haseena B.K., 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 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, and I am satisfied that the parties are now on quite cordial terms. 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.

3. The victim's affidavit shows that her husband has already divorced her and that she has received all benefits from him. The whole dispute stands resolved forever. In such a situation, it is appropriate that the pending prosecution be quashed.

In the result, this petition is allowed. The prosecution against the petitioner herein in C.C.No.2238 of 2013 of the Judicial First Class Magistrate Court-II, Hosdurg 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.

Sd/-
PUBAID
JUDGE

rkj

//TRUE COPY//

PA. TO JUDGE