

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 11TH DAY OF AUGUST 2015/20TH SRAVANA, 1937

Cr1.MC.No. 5250 of 2015

IN C.C NO.1885/2014 OF THE JUDICIAL FIRST CLASS MAGISTRATE
COURT, TIRUR
CRIME NO. 528/2014 OF VALANCHERY POLICE STATION, MALAPPURAM

PETITIONERS/ACCUSED 1 - 3:

1. NOUFAL, AGED 35 YEARS,
S/O. ABDULLAKUTTY, PUTHIYIDATH HOUSE,
THANUR P.O, MALAPPURAM DISTRICT.
2. MARIYAKUTTY,
W/O. ABDULLAKUTTY, PUTHIYIDATH HOUSE, THANUR P.O.
MALAPPURAM DISTRICT.
3. NOORJAHAN,
D/O. ABDULLAKUTTY, PUTHIYIDATH HOUSE, THANUR P.O.
MALAPPURAM DISTRICT.

BY ADV. SRI.U.K.DEVIDAS

RESPONDENTS/COMPLAINANT AND STATE:

1. STATE OF KERALA
REPRESENTED BY THE SUB INSPECTOR OF POLICE,
VALANCHERY THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.
2. THASNI, AGED 25 YEARS,
D/O. ALAVI, MANNEKKARA HOUSE, PADINJARAKARA,
KARIPOLE P.O., PERINTHALMANNA, MALAPPURAM - 676 552.

R2 BY ADV. SMT.P.M.SHAHIDA

R1 BY PUBLIC PROSECUTOR SMT.S.HYMA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 11-08-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

Cr1.MC.No. 5250 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE 1: COPY OF THE FIR IN VALANCHERRY POLICE STATION IN
CRIME NO.528/2014 DATED 16.6.2014.

ANNEXURE II: COPY OF THE CHARGE SHEET IN VALANCHERRY POLICE
STATION IN CRIME NO.528/2014.

ANNEXURE III: COPY OF THE AGREEMENT DATED 28.1.2015

ANNEXURE 1V: AFFIDAVIT DATED 3.8.2015 SWORN BY THE 2ND
RESPONDENT.

RESPONDENT'S ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.5250 of 2015

Dated this the 11th day of August, 2015

O R D E R

The petitioners herein are the three accused in C.C No.1885/2014 of the Judicial First Class Magistrate Court, Tirur. 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 Sections 406 and 498(A) r/w 34 of the Indian Penal Code on the complaint of one Tasni who is the 2nd respondent in this proceeding brought under Section 482 of the Code of Criminal Procedure. The victim's affidavit shows that the parties have parted ways, and the wife has received all the benefits under the law. In such a situation, 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 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. 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.1885/2014 of the Judicial First Class Magistrate Court, Tirur 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.

**P.UBAID
JUDGE**

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