

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 12TH DAY OF AUGUST 2015/21ST SRAVANA, 1937

Crl.MC.No. 5316 of 2015

CC 559/2013 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, PAYYANNUR

CRIME NO. 103/2013 OF PAZHAYANGADI POLICE STATION, KANNUR

PETITIONER(S)/ACCUSED :-

1. SAKARIYA KOTTATHALAYAN,
S/O.ABDUL KAREEM(LATE), ROUNAZ MANZIL,
NEAR N.M.U.P.SCHOOL, MATTOOL NORTH, KANNUR DISTRICT.
2. RAWIA K.T., D/O.KUNHAMINA K.T,
ROUNAZ MANZIL, NEAR N.M.U.P.SCHOOL,
MATTOOL NORTH, KANNUR DISTRICT.
3. NAZILA K.T, D/O.KUNHAMINA,
ROUNAZ MANZIL, NEAR N.M.U.P.SCHOOL,
MATTOOL NORTH, KANNUR DISTRICT.

**BY ADVS.SRI.TITUS MANI VETOM
SRI.BINNY THOMAS
SRI.P.A.JACOB**

RESPONDENT(S)/COMPLAINANT/DE FACTO COMPLAINANT :-

1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.
2. ARAFA P, D/O.P.P.ABOOBACKER, "DARUL NOOR", MUTTAM,
VELLACHAL, VENGARA.P.O., KANNUR DISTRICT, PIN - 670 015.

**R1 BY SMT.S.HYMA, PUBLIC PROSECUTOR
R2 BY ADV. SRI.JOHNSON K.KURIEN**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 12-08-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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APPENDIX

PETITIONER(S)' ANNEXURES :-

**ANNEXURE A1 - TRUE COPY OF THE COMPLAINT FILED BEFORE THE JUDICIAL
FIRST CLASS MAGISTRATE COURT.**

**ANNEXURE A2 - TRUE COPY OF THE FIR IN CRIME NO.103 OF 2013 OF
PAZHAYANGADI POLICE STATION, PAZHAYANGADI.**

**ANNEXURE A3 - TRUE COPY OF THE FINAL REPORT AS CC NO.559/2013 IN CRIME
NO.103/2013 OF THE PAZHAYANGADI POLICE STATION.**

ANNEXURE A4 - ORIGINAL AFFIDAVIT FILED BY THE 2ND RESPONDENT.

RESPONDENT(S)' ANNEXURES :- NIL

//TRUE COPY//

P.A. TO JUDGE

rkj

P.UBAID, J.

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Crl.M.C.No.5316 of 2015

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Dated this the 12th day of August, 2015

ORDER

The petitioners herein are the three accused in C.C.No.559 of 2013 of the Judicial First Class Magistrate Court, Payyannur. 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 498(A) and read with Section 34 of the Indian Penal Code on the complaint of one Afra, 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 the 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.

3. The victim's affidavit shows that the parties have come to terms, and she has received everything due from her husband. The whole matrimonial dispute stands resolved forever.

In the result, this petition is allowed. The prosecution against the petitioners herein in C.C.No.559 of 2013 of the Judicial First Class Magistrate Court, Payyannur 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