

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

Cri.MC.No. 5318 of 2015

CC 4609/2013 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, KODUNGALLUR

CRIME NO. 2017/2013 OF KODUNGALLUR POLICE STATION , TRISSUR

PETITIONER(S)/ACCUSED 1 TO 4 :-

1. MUHAMMED ASIF, AGED 30 YEARS,
S/O.ABDULLA, KALLANTHARAVEEDU, ERIYAD VILLAGE,
MADAVANA.P.O., KODUNGALLUR.
2. ABDULLA, AGED 65 YEARS,
S/O.MOIDEEN, KALLANTHARAVEEDU, ERIYAD VILLAGE,
MADAVANA.P.O., KODUNGALLUR.
3. RAMLA, AGED 47 YEARS,
W/O.ABDULLA, KALLANTHARAVEEDU, ERIYAD VILLAGE,
MADAVANA.P.O., KODUNGALLUR.
4. RAHNA, AGED 34 YEARS,
D/O.ABDULLA, W/O.SALIM BABU, KALLANTHARAVEEDU,
ERiyAD VILLAGE, MADAVANA.P.O., KODUNGALLUR.

**BY ADVS.SRI.C.A.CHACKO
SMT.C.M.CHARISMA
SMT.MEGHA K.XAVIER**

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

1. STATE OF KERALA,
REPRESENTING SUB INSPECTOR OF POLICE,
KODUNGALLUR POLICE STATION,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.
2. ABDUL KHADER LEBBA, AGED 70 YEARS,
S/O.SHAHUL HAMEED LEBBA, PALLIVEED(ABHAYA), PADAKULAM,
LOKAMALLESWARAM VILLAGE, KODUNGALLUR - 680 664.
3. ASHMI, AGED 29 YEARS,
D/O.ABDUL KHADER LEBBA, PALLIVEED(ABHAYA), PADAKULAM,
LOKAMALLESWARAM VILLAGE, KODUNGALLUR - 680 664.

**R1 BY SMT.S.HYMA, PUBLIC PROSECUTOR
R2 & R3 BY ADV. SRI.SEBY JOSEPH**

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

rkj

Crl.MC.No. 5318 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES :-

**ANNEXURE A1- TRUE COPY OF FIR DATED 16.7.2013 IN CRIME NO.2017/2013 OF
KODUNGALLUR POLICE STATION.**

**ANNEXURE A2- TRUE COPY OF FINAL REPORT DATED 16.8.13 IN CRIME NO.2017/13
OF KODUNGALLUR POLICE STATION.**

ANNEXURE A3- AFFIDAVIT DATED 7.8.2015 OF 2ND RESPONDENT.

ANNEXURE A4- AFFIDAVIT DATED 7.8.2015 OF 3RD RESPONDENT.

RESPONDENT(S)' ANNEXURES :- NIL

//TRUE COPY//

P.A. TO JUDGE

rkj

P.UBAID, J.

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Crl.M.C.No.5318 of 2015

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Dated this the 12th day of August, 2015

ORDER

The petitioners herein are the four accused in C.C.No.4609 of 2013 of the Judicial First Class Magistrate Court, Kodungallur. 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, 498A and 34 of the Indian Penal Code on the complaint of one Abdul Khader Lebba, who is the 2nd respondent in this proceeding brought under Section 482 of the Code of Criminal Procedure. He has filed affidavit to the effect that he has settled the whole dispute with the accused, and he has no grievance or complaint now. The victim of offence is the 3rd respondent in this proceeding. She has also 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 prosecution in pending proceedings, if the parties have really settled the whole dispute amicably out of court, and

continuance of further 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 matrimonial dispute stands settled forever, and the parties have parted ways. In such a situation, it is appropriate that the prosecution be quashed.

In the result, this petition is allowed. The prosecution against the petitioners herein in C.C.No.4609 of 2013 of the Judicial First Class Magistrate Court, Kodungallur 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