

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 13TH DAY OF AUGUST 2015/22ND SRAVANA, 1937

Cr1.MC.No. 5325 of 2015 ()

IN CC 934/2013 of JUDICIAL FIRST CLASS MAGISTRATE, PAYYANNUR IN
CRIME NO. 20/2013 OF PAZHAYANGADI POLICE STATION, KANNUR DIST.

PETITIONER/COMPLAINANT:

SUMMAYYA C. AGED 31 YEARS
D/O.V.UMMER, SAMEEH HOUSE, KADANNAPPALLY AMSOM DESOM
KADANNAPPALLY PADINJAREKARA, P.O.KADANNAPPALLY
KANNUR TALUK.

BY ADV. SRI.M.V.AMARESAN

RESPONDENTS/ACCUSED NO. 1 TO 6 AND STATE:

1. MUHAMMED SALU L.M., AGED 40 YEARS
S/O. LATE ABDUL RAHMAN.
2. LAYIN AASIYA, AGED 77 YEARS
W/O. LATE ABDUL RAHMAN.
3. LAYIN SUBAIDHA, AGED 50 YEARS
W/O. K.T.HAMEED
4. LAYIN NAJEEMA, AGED 42 YEARS
W/O. HAREEF
5. LAYIN RAHMATH, AGED 37 YEARS
W/O. KHALID.
6. LAYIN RAFEEQUE
S/O. LATE ABDUL RAHMAN
(ALL ARE RESIDING AT MADAYI AMSOM
PUTHIYANGADI DESOM, KOZHIBAZAR
NEAR STATE BANK - 670 505)
7. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM - 682 031.

BY ADV. SRI.PHILJO VARUGHESE PHILIPS1
R7 BY PUBLIC PROSECUTOR SMT.V.H.JASMINE

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
13-08-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Crl.MC.No. 5325 of 2015 ()

APPENDIX

PETITIONER'S ANNEXURES :

A1 - TRUE COPY OF PRIVATE COMPLAINT CMP NO. 65/2013 FILED BY THE
PETITIONER BEFORE JUDICIAL FIRST CLASS MAGISTRATE, PAYYANNUR
DT. 07.01.2013.

A2 - TRUE COPY OF FIR IN CRIME NO. 20/2013 OF PAZHAYANGADI POLICE
STATION.

A3 - TRUE COPY OF FINAL REPORT IN CRIME NO. 20/2013 OF PAZHAYANGADI
POLICE STATION.

RESPONDENTS' ANNEXURES: NIL

//TRUE COPY//

P.A. TO JUDGE

sm

P.UBAID, J.

Crl.MC.No. 5325 of 2015

Dated this the 13th day of August, 2015

ORDER

The de-facto complainant in a prosecution, brought under section 498A IPC, against all the inmates in the matrimonial home, including the husband, seeks orders quashing the prosecution now on the ground of amicable settlement of the dispute out of court. On a perusal of materials including the complaint, I find that the complaint is really suspicious. The suspicion is strengthened by the fact that the lady has arraigned all the inmates of the matrimonial home as accused in the complaint. Any way, now she has realised the mistake on her part, and joined her husband in matrimony. Thus the whole family disputes stand resolved for ever. In such a situation, it is appropriate that the prosecution be quashed, because continuance of prosecution will defile their matrimony. I am satisfied that the petitioner is now happy with her husband in matrimony, and she does not want to prosecute the matter further.

2. In so many decisions, the Honourable Supreme Court

has held, that in the said cases, the High Court can quash prosecution, if there is a genuine settlement between the parties.

In the result, the petition is allowed. The prosecution against the respondents 1 to 6, in CC No.934of 2013, before the Judicial First Class Magistrate, Payyanur, will stand quashed under section 482 of Code of Criminal Procedure. Accordingly, the respondents 1 to 6 will stand released from prosecution, and the bale bond, if any, executed by them will stand discharged.

Sd/-
P. UBAID, JUDGE

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