

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

MONDAY, THE 17TH DAY OF AUGUST 2015/26TH SRAVANA, 1937

Crl.MC.No. 5459 of 2015

CC 567/2015 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, KAKKANAD

CRIME NO. 196/2013 OF THRIKKAKARA POLICE STATION , ERNAKULAM

PETITIONER(S)/ACCUSED :-

**ASIF HUSSAIN, AGED 37 YEARS,
S/O.MEERAN SAHIB, KOTTEPARAMBIL HOUSE,
PEZHAKKAPPALLY P.O., MUVATTUPUZHA TALUK,
ERNAKULAM DISTRICT.**

BY ADV. SRI.E.S.M.KABEER

RESPONDENT(S)/COMPLAINANT:

- 1. THE STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**
- 2. THE SUB INSPECTOR OF POLICE,
THRIKKAKARA POLICE STATION,
WAYANAD DISTRICT - 672 131.**
- 3. HIDUMOL, D/O.HAFSA,
MANATH THOPPIL HOUSE,
THRIKKAKARA P.O.,
ERNAKULAM - 672 131**

**R BY SMT.V.H.JASMINE, PUBLIC PROSECUTOR
R3 BY ADV. SRI.M.S.JAYAKRISHNAN**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 17-08-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

rkj

APPENDIX

PETITIONER(S)' ANNEXURES :-

**ANNEXURE-A1: TRUE COPY OF THE AGREEMENT EXECUTED IN BETWEEN THE
PETITIONER AND THE 3RD RESPONDENT.**

**ANNEXURE-A2: TRUE COPY OF FIR IN CRIME NO.196/2013 OF THE THRIKKAKARA
POLICE STATION, DATED 11.2.2013.**

**ANNEXURE-A3: TRUE COPY OF THE AFFIDAVIT OF THE 3RD RESPONDENT DATED
3.11.2014.**

RESPONDENT(S)' ANNEXURES :- NIL

//TRUE COPY//

P.A. TO JUDGE

rkj

P.UBAID, J.

=====
Crl.M.C.No.5459 of 2015
=====

Dated this the 17th day of August, 2015

ORDER

The petitioner herein is the accused in C.C.No.567 of 2015 of the Judicial First Class Magistrate Court, Kakkanadu. 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 498A, 406, 421 and 34 of the Indian Penal Code on the complaint of one Hidumol, who is the 3rd 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 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, 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.

In the result, this petition is allowed. The prosecution against the petitioner herein in C.C.No.567 of 2015 of the Judicial First Class Magistrate Court, Kakkanadu 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/-
P.UBAID
JUDGE

rkj

//TRUE COPY//

P.A. TO JUDGE