

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 18TH DAY OF AUGUST 2015/27TH SRAVANA, 1937

Cr1.MC.No. 5524 of 2015

CRIME NO. 480/2015 OF VENGARA POLICE STATION, MALAPPURAM

PETITIONERS/ACCUSED:

1. MUHAMMED FAKKARUDHEEN,
S/O.MUHAMMED KUTTY MUSLIYAR, POTHANJEERI (H) ,
KURUPPIN PADI, CHAPPANANGADI P.O., PONMALA VILLAGE,
MALAPPURAM.
2. P.K.FATHIMA,
W/O.MUHAMMED KUTTY MUSLIYAR, POTHANJEERI (H) ,
KURUPPIN PADI, CHAPPANANGADI P.O., PONMALA VILLAGE,
MALAPPURAM.
3. MUHAMMED KUTTY MUSLIYAR,
S/O.POCKER, POTHANJEERI (H) , KURUPPIN PADI,
CHAPPANANGADI P.O., PONMALA VILLAGE, MALAPPURAM.

BY ADV. SRI.P.K.NIJOY

RESPONDENTS/STATE & COMPLAINANT:

1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.
2. JUVAIRIYA, AGED 22 YEARS,
D/O. MUHAMMED MUSLIYAR, MULLAN MADAYAN VEEDU,
OORAKAM KEEZHMURI P.O., TIRURANGADI TALUK,
MALAPPURAM DISTRICT - 676 507.

R2 BY ADV. SRI.MAHESH V.MENON

R1 BY PUBLIC PROSECUTOR SMT.S.HYMA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 18-08-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

Cr1.MC.No. 5524 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE A1: COPY OF THE FIR IN CRIME NO.480/2015 OF VENGARA
POLICE STATION.

ANNEXURE A2: COPY OF THE AFFIDAVIT DATED 1.8.2015 OF THE 2ND
RESPONDENT.

RESPONDENT'S ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.5524 of 2015

Dated this the 18th day of August, 2015

O R D E R

The petitioners seek orders quashing the F.I.R and further proceedings in Crime No.480/2015 of the Vengara Police Station, registered under Sections 498A, 323 and 506(1) r/w 34 of the Indian Penal Code on the complaint of one Juvairiya. Orders are sought on the ground of amicable settlement of the whole dispute between the accused and the de facto complainant out of court. The de facto complainant Juvairiya is the 2nd respondent in this proceeding brought under Section 482 of the Code of Criminal Procedure. The victim's affidavit shows that she and her husband have parted ways, and the whole matrimonial dispute stands resolved forever. In such a situation, it is appropriate that the pending 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; be it at the crime stage or at the trial stage or even at the appellate or

revisional stage; if the parties have really settled the whole dispute, or if continuance of the prosecution will not serve any purpose. Here, I find a real case of settlement between the parties, and I also find that continuance of prosecution in such a situation will not serve any purpose other than wasting the precious time of the court, when the case ultimately comes before the court.

In the result, this petition is allowed. The F.I.R and further proceedings in Crime No.480/2015 of the Vengara Police Station will stand quashed under Section 482 of the Code of Criminal Procedure.

**Sd/-
P.UBAID
JUDGE**

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