

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 19TH DAY OF AUGUST 2015/28TH SRAVANA, 1937

Crl.MC.No. 5565 of 2015 ()

AGAINST IN CC 169/2014 of J.M.F.C.,MALAPPURAM
CRIME NO. 600/2013 OF VAZHAKKAD POLICE STATION , MALAPPURAM

PETITIONER(S):

1. NOUSHAD C.R. AGED 34 YEARS,
CHATHANTHODI HOUSE,
KUTTAMANGALAM MUTTIL P.O,
WAYANAD DISTRICT.
2. ASSIA, W/O. ALI, AGED 55 YEARS,
CHATHANTHODI HOUSE,
KUTTAMANGALAM, MUTTIL P.O,
WAYANAD DISTRICT.

BY ADV. SRI.U.K.DEVIDAS

RESPONDENT(S)/STATE & DE FACTO COMPLAINANT:

1. STATE OF KERALA, REPRESENTED BY THE
SUB INSPECTOR OF POLICE,
VAZHAKKAD POLICE STATION, MALAPPURAM DISTRICT THROUGH
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.
2. SHAFREENA, D/O. ASHRAF, AGED 24 YEARS,
PILATHOTTATHIL HOUSE, VAZHAKKAD, MALAPPURAM DISTRICT.

R2 BY ADV. SMT.P.M.SHAHIDA

R1 BY PUBLIC PROSECUTOR SMT.V.H.JASMINE

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 19-08-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

APPENDIX

PETITIONERS EXHIBITS:

ANNEXURE A: CERTIFIED COPY OF THE FIR IN CRIME NO.600/2013 OF VAZHAKKAD POLICE STATION ON THE FILES OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT, MALAPPURAM.

ANNEXURE B: CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO.600/2013 OF VAZHEKKAD POLICE STATION ON THE FILES OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT, MALAPPURAM.

ANNEXURE C: TRUE COPY OF THE AGREEMENT DATED 29.5.2015

ANNEXURE D: THE ORIGINAL OF THE AFFIDAVIT SWORN BY THE SECOND RESPONDENT DATED 29.5.2015.

RESPONDENTS EXHIBITS:

/TRUE COPY/

P.S TO JUDGE

P.UBAID, J.
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**Crl.M.C No.5565 of 2015**  
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Dated this the 19th August, 2015

ORDER

The petitioners herein are the two accused in C.C No.169/2014 of the Judicial First Class Magistrate's Court, Malappuram. 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 498A and 406 read with 34 of Indian Penal Code on the complaint of one Shafreena, 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

prosecution 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 petitioners herein in C.C 169/2014 of the Judicial First Class Magistrate's Court, Malappuram 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**

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/True copy/

P.S to Judge