

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 8TH DAY OF SEPTEMBER 2015/17TH BHADRA, 1937

Cr1.MC.No. 5566 of 2015

AIN CC 652/2011 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT
II (FOREST OFFENCES), MANJERI
CRIME NO. 352/2011 OF VAZHEKKAD POLICE STATION, MALAPPURAM

PETITIONERS/ACCUSED NO.1 TO 3:

1. RAHMATH SHAFI, AGED 32 YEARS,
S/O. MUHAMMED KUTTY, AMBALAPURATH HOUSE, KANNATTIKULAM
CHERUVANNUR, KOLATHARA P.O., KOZHIKODE DISTRICT.
2. FATHIMA SUHARA, AGED 55 YEARS,
W/O. MUHAMMED KUTTY, AMBALAPPURATH HOUSE,
KANNATTIKULAM, CHERUVANNUR, KOLATHARA P.O.,
KOZHIKODE DISTRICT.
3. SABITHA BHEEGAM, AGED 30 YEARS,
D/O. MUHAMMED KUTTY, AMBALAPPURATH HOUSE,
KANNATTIKULAM, CHERUVANNUR, KOLATHARA P.O.,
KOZHIKODE DISTRICT.

BY ADV. SRI.U.K.DEVIDAS

RESPONDENTS/STATE & DEFACTO 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. NASEENA , AGED 26 YEARS,
D/O. ABDULLA, PALLIYALI HOUSE, EDAVANNAPPARA,
MALAPPURAM DISTRICT.

R2 BY ADV. SMT.P.M.SHAHIDA

R1 BY PUBLIC PROSECUTOR SRI.JUSTIN JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 08-09-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

Cr1.MC.No. 5566 of 2015

APPENDIX

PETITIONERS' ANNEXURES:

ANNEXURE A : CERTIFIED COPY OF THE FIRST INFORMATION REPORT IN
CRIME NO.352/2011 OF VAZHEKKAD POLICE STATION.

ANNEXURE B : CERTIFIED COPY OF THE FINAL REPORT IN CRIME
NO.352/2011 OF VAZHEKKAD POLICE STATION.

ANNEXURE C : COPY OF THE AGREEMENT DTD.4.4.2015.

ANNEXURE D : COPY OF THE AFFIDAVIT SWORN IN BY THE 2ND
RESPONDENT DTD.4.4.2015.

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.5566 of 2015

Dated this the 8th day of September, 2015

O R D E R

The petitioners herein are the three accused in C.C No.652/2011 of the Judicial First Class Magistrate Court II, (Forest Offences), Manjeri. 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 498(A) and 406 r/w 34 of the Indian Penal Code on the complaint of one Naseena, who is the second respondent in this proceeding brought under Section 482 of the Code of Criminal Procedure. The victim's affidavit shows that she has reunited with her husband, and now they are leading a very happy matrimony. In such a situation, it is appropriate that the prosecution be quashed. Otherwise, it will cause embarrassment to them and may even create problems in matrimony.

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. 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 No.652/2011 of the Judicial First Class Magistrate Court II, (Forest Offences), Manjeri 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.

**P.UBAID
JUDGE**

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