

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. 5609 of 2015 ()

AGAINST THE CC 104/2015 of J.M.F.C.,NILAMBUR
CRIME NO. 926/2014 OF NILAMBUR POLICE STATION , MALAPPURAM

PETITIONER/ACCUSED:

MOHAMMED SHAMMAS, AGED 28 YEARS,
S/O.KUNJI MOHAMMED,
KIZHAKKUPARAMBAN HOUSE,
THACHINGANADOM P.O,
ORUVAMBRAM, PERINTHALMANNA TALUK,
MALAPPURAM DISTRICT.

BY ADV. SRI.P.SAMSUDIN

RESPONDENTS/STATE AND DE FACTO COMPLAINANT:

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1. STATE OF KERALA REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM – 682 031.
 2. AMINA, AGED 45 YEARS,
D/O.ALAVI, THONDIYANVEETIL HOUSE,
MYLADI, ERANJIMANGAD P.O, 679 343,
AKAMBADAM AMSOM, NILAMBUR TALUK,
MALAPPURAM DISTRICT.

R2 BY ADV. SRI.K.C.ANTONY MATHEW
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:

Crl.MC.No. 5609 of 2015

APPENDIX

ANNEXURE A1: TRUE COPY OF FINAL REPORT IN CRIME NO.926/2014 OF
NILAMBUR POLICE STATION

ANNEXURE A2: THE AFFIDAVIT SWORN IN BY 2ND RESPONDENT DATED
12.8.2015

RESPONDENTS EXHIBITS:

/TRUE COPY/

P.S TO JUDGE

P.UBAID, J.
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**Crl.M.C No.5609 of 2015**  
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Dated this the 19th August, 2015

ORDER

The petitioner herein is the accused in C.C No.104/2015 of the Judicial First Class Magistrate's Court, Nilambur. 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 448 and 354 of Indian Penal Code on the complaint of one Amina, 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 petitioner herein in C.C 104/2015 of the Judicial First Class Magistrate's Court, Nilambur 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**

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/True copy/

P.S to Judge