

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 20TH DAY OF AUGUST 2015/29TH SRAVANA, 1937

Cr1.MC.No. 5684 of 2015

IN LP 40/2014 ARISING OUT C.C.NO.886/2011 OF THE JUDICIAL
FIRST CLASS MAGISTRATE COURT, WADAKKANCHERRY

PETITIONER/ACCUSED NO.1:

ABDUL SALAM, AGED 43 YEARS,
S/O.MUHAMMEDKUTTY, CHATHAMKULAM HOUSE,
POTTACHIRA,
NELLAYA VILLAGE, CHERPULASSERY, PALAKKAD,
PIN 679503

BY ADV. SRI.SABU GEORGE

RESPONDENTS/RESPONDENTS:

1. AYSHA @ ALIMMA, AGED 34 YEARS,
D/O.MUHAMMED, KOTTILINGAL HOUSE,
VELLARKAD VILLAGE
THALAPPILLY TALUK, THRISSUR DISTRICT, PIN 680584

2. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, PIN 682035

R1 BY ADV. SRI.NIDHI BALACHANDRAN
R2 BY PUBLIC PROSECUTOR SMT.S.HYMA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 20-08-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

Cr1.MC.No. 5684 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE A: COPY OF THE FINAL REPORT IN LP.NO.40/2014 ARISING
OUT OF CC.NO.886/2011 ON THE FILE OF THE JUDICIAL FIRST CLASS
MAGISTRATE COURT, WADAKKANCHERY

ANNEXURE B: COPY OF THE AGREEMENT DATED 13.08.2015 EXECUTED BY
THE PETITIONER AND RESPONDENT NO.1 ATTESTED BY NOTARY PUBLIC

ANNEXURE C: COPY OF THE ORIGINAL AFFIDAVIT DATED 13.08.2015
SWORN TO BY RESPONDENT NO.1/DE FACTO COMPLAINANT

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.5684 of 2015

Dated this the 20th day of August, 2015

O R D E R

The petitioner herein is the sole accused in C.C No.886/2011 of the of the Judicial First Class Magistrate Court, Wadakkancherry. 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 406 and 420 of the Indian Penal Code on the complaint of one Aysha who is the first 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. 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.886/2011 of the of the Judicial First Class Magistrate Court, Wadakkancherry will stand quashed under Section 482 of the Code of Criminal Procedure.

**P.UBAID
JUDGE**

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