

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 21ST DAY OF AUGUST 2015/30TH SRAVANA, 1937

Cr1.MC.No. 5775 of 2015

IN CC 346/2012 OF THE JUDICIAL FIRST CLASS MAGISTRATE
COURT -I, KOLLAM
CRIME NO. 69/2012 OF KUNDARA POLICE STATION , KOLLAM

PETITIONERS:

1. ABDUL SHIHAB, AGED 33 YEARS,
S/O.MUHAMMED KUNJU, BADHARIYA MANZIL, PALACKAL,
THEVALAKKARA, KOLLAM.
2. MUHAMMED KUNJU, AGED 68 YEARS,
S/O.KHADER KUTTY BADHARIYA MANZIL, PALACKAL,
THEVALAKKARA, KOLLAM.
3. HUSAIBA BEEVI, AGED 65 YEARS,
W/O.MUHAMMED KUNJU, BADHARIYA MANZIL, PALACKAL,
THEVALAKKARA, KOLLAM.

BY ADV. SRI.RAVI KRISHNAN

RESPONDENTS:

1. STATE OF KERALA
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM (CRIME NO.69/2012 OF KUNDARA POLICE STATION,
KOLLAM)
2. FOWSIYA, AGED 25 YEARS,
D/O.HASHIM, FOWZIYA MANZIL, CHANDANATHOPPU P.O.
MAMOODU P.O., KOLLAM.

R2 BY ADV. SRI.PRINSUN PHILIP

R1 BY PUBLIC PROSECUTOR SMT.V.H.JASMINE

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 21-08-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

Cr1.MC.No. 5775 of 2015

APPENDIX

PETITIONERS' ANNEXURES:

A1: COPY OF THE FIR IN CRIME NO.69/2012 OF KUNDARA POLICE
STATION, KOLLAM

A2: COPY OF THE FINAL REPORT C.C NO.346/2012 ON THE FILE OF
HON'BLE JUDICIAL FIRST CLASS MAGISTRATE COURT-I, KOLLAM

A3: AFFIDAVIT SWORN BY THE 2ND RESPONDENT STATING THAT SHE HAS
NO OBJECTION IN QUASHING THE ENTIRE PROCEEDINGS PURSUANT TO
FINAL REPORT IN C.C NO.346/2012 OF HON'BLE JUDICIAL FIRST
CLASS MAGISTRATE COURT-1, KOLLAM

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY/

P.A TO JUDGE

ab

P.UBAID, J.

Crl.M.C No.5775 of 2015

Dated this the 21st day of August, 2015

O R D E R

The petitioners herein are the three accused in C.C No.346/2012 of the Judicial First Class Magistrate Court I, Kollam. 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 323 r/w 34 of the Indian Penal Code on the complaint of one Fowsiya 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. 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.346/2012 of the Judicial First Class Magistrate Court I, Kollam 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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