

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. 5778 of 2015

IN CC 1956/2015 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT-
I, KOLLAM

CRIME NO. 1042/2013 OF ANCHALUMMOODU POLICE STATION, KOLLAM

PETITIONERS/PETITIONERS:

1. MAJEED KUNJU, AGED 40 YEARS,
S/O.UMMERKUTTY, MURUKKUM VILA, VADAKKEKKARA CHERRY,
THRIKKARUVA, KOLLAM.
2. UMMERKUTTY, AGED 70 YEARS,
S/O.ALIKKUNJU, MURUKKUM VILA, VADAKKEKKARA CHERRY,
THRIKKARUVA, KOLLAM.
3. FATHIMA KUNJU, AGED 65 YEARS,
W/O.UMMERKUNJU, MARUKKUM VILA, VADAKKEKKARA CHERRY,
THRIKKARUVA, KOLLAM.
4. JAMEELATH, AGED 35 YEARS,
D/O.UMMER KUNJU, MURUKKUM VILA, VADAKKEKKARA CHERRY,
THRIKKARUVA, KOLLAM.

BY ADV. SRI.RAVI KRISHNAN

RESPONDENTS:

1. STATE OF KERALA
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM (CRIME NO.1042/2013 OF ANCHALUMMODU POLICE
STATION, KOLLAM)
2. SHERMI, AGED 23 YEARS,
W/O.MAJEED KUNJU, MURUKKUM VILA, VADAKKEKKARA CHERRY,
THRIKKARUVA, KOLLAM.

R2 BY ADV. SRI.PRINSUN PHILIP

R1 BY PUBLIC PROSECUTOR SMT.S.HYMA

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. 5778 of 2015

APPENDIX

PETITIONERS' ANNEXURES:

A1: COPY OF THE FIR IN CRIME NO.1042/2013 OF ANCHALUMMOODU
POLICE STATION, KOLLAM.

A2: COPY OF THE FINAL REPORT C.C NO.1956/2015 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.1956/2015 OF HON'BLE JUDICIAL FIRST
CLASS MAGISTRATE COURT-1, KOLLAM.

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.5778 of 2015

Dated this the 21st day of August, 2015

O R D E R

The petitioners herein are the four accused in C.C No.1956/2015 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 Section 498A of the Indian Penal Code on the complaint of one Shermi, who is the 2nd 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 in matrimony, and she is now leading a very happy matrimony with the husband. In such a situation continuance of prosecution may cause hardship and embarrassment to both the parties.

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.1956/2015 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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