

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

CrI.MC.No. 5852 of 2015 ()

AGAINST JUDGMENT IN CC 3985/2014 of J.M.F.C.,ALATHUR
CRIME NO. 1304/2014 OF ALATHUR POLICE STATION , PALAKKAD

PETITIONER(S)/PETITIONERS/ACCUSED:

E.MUHAMMUD SULTHAN AGED 32 YEARS
S/O. EBRAHIM, PAZHIYODE, KADAMBIDI MELACODE VILLAGE
ALATHUR TALUK, PALAKKAD DISTRICT.

BY ADV. SRI.SYAM J SAM

ESPONDENTS/STATE AND DEFACTO COMPLAINANT:

-
1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.
 2. ZAINABHA N.A., AGED 28 YEARS
D/O. ABDUL RAZAQ, NASEERA MANZIL, THACHAKORA PAYALUR
KOLLAMGODE VILLAGE, CHITTUR TALUK, PALAKKAD DISTRICT
PIN-678001.

R2 BY ADV. SMT.KRISHNA RAJENDRAN
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:

Crl.MC.No. 5852 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE A1- CERTIFIED COPY OF THE CHARGE SHEET IN CC 3985/2014 ON
THE FILE OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT I, ALATHUR.

ANNEXURE A2- AN AFFIDAVIT SWORN BY THE SECOND RESPONDENT STATING
THE SETTLEMENT OF ALL THE DISPUTES.

RESPONDENT(S)' EXHIBITS

/TRUE COPY/

P.S TO JUDGE

P.UBAID, J.
~~~~~  
**Crl.M.C No.5852 of 2015**  
~~~~~  
Dated this the 21st August, 2015

ORDER

The petitioner herein is the accused in C.C No.3985 of 2014 of the Judicial First Class Magistrate's Court-I, Alathur. 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 Section 498A of Indian Penal Code on the complaint of one Zainabha 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. The victim's affidavit shows that she has reunited with her husband in matrimony, and that they are now leading a happy matrimony. In such a situation, it is appropriate that the pending prosecution be quashed.

3. 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.3985 of 2014 of the Judicial First Class Magistrate's Court-I, Alathur 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**

ma

/True copy/

P.S to Judge