

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 1ST DAY OF SEPTEMBER 2015/10TH BHADRA, 1937

Crl.MC.No. 5900 of 2015

CRIME NO. 671/2014 OF CHANGARAMKULAM POLICE STATION , MALAPPURAM

PETITIONERS/ACCUSED :-

- 1. ANSAR, S/O.BAVA, AGED 31 YEARS,
MARAYAMKUNNATH HOUSE, PERUMBAI,
KALLOORMA DESOM, POST NANNAMUKKU,
PONNANI TALUK, MALAPPURAM DISTRICT.**
- 2. KADEEJA, W/O.BAVA, AGED 60 YEARS,
MARAYAMKUNNATH HOUSE, PERUMBAI,
KALLOORMA DESOM, POST NANNAMUKKU,
PONNANI TALUK, MALAPPURAM DISTRICT.**

BY ADV. SRI.C.M.MOHAMMED IQUABAL

RESPONDENTS/STATE & COMPLAINANT :-

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. HASEENA, D/O.ABU, AGED 25 YEARS,
PUTHUVETIL HOUSE, PONNANI POST,
PONNANI TALUK, MALAPPURAM DISTRICT,
PIN – 679 583.**

**R1 BY SMT. SHEEBA M.T., PUBLIC PROSECUTOR
R2 BY ADV. SMT.T.J.SEEMA**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 01-09-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

rkj

Crl.MC.No. 5900 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES :-

**ANNEXURE A1 : THE TRUE COPY OF THE FIR IN CRIME NO.671/2014 DATED
09.09.2014.**

**ANNEXURE A2 : THE TRUE COPY OF THE AGREEMENT BETWEEN THE 1ST
PETITIONER AND THE 2ND RESPONDENT DATED 04.08.2015.**

**ANNEXURE A3 : THE TRUE COPY OF THE AFFIDAVIT OF THE 2ND RESPONDENT
DATED 04.08.2015.**

RESPONDENT(S)' ANNEXURES :- NIL

//TRUE COPY//

P.A. TO JUDGE

rkj

P.UBAID, J.

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Crl.M.C.No.5900 of 2015
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Dated this the 1st day of September, 2015

ORDER

The petitioners seek orders quashing the F.I.R and further proceedings in Crime No.671 of 2014 of Changaramkulam Police Station, Malappuram registered under Section 498A read with Section 34 IPC on the complaint of one Haseena. Orders are sought on the ground of amicable settlement of the whole dispute between the accused and the de facto complainant out of court. The de facto complainant 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.

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; be it at the crime stage or at the trial stage or even at the appellate or revision stage; if the parties have really settled the whole dispute or if continuance of prosecution will not serve any purpose. Here, I find a real case of settlement

between the parties and I also find that continuance of prosecution in such a situation will not serve any purpose other than wasting the precious time of the court, when the case ultimately comes before the court.

3. The victim's affidavit shows that she has been divorced by her husband, and that the whole matrimonial dispute stands resolved forever. In such a situation, it is appropriate that the prosecution be quashed.

In the result, this petition is allowed. The F.I.R and further proceedings in Crime No.671 of 2014 of Changaramkulam Police Station, Malappuram will stand quashed under Section 482 of the Code of Criminal Procedure.

Sd/-
P.UBAID
JUDGE

rkj

//TRUE COPY//

P.A. TO JUDGE