

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 2ND DAY OF SEPTEMBER 2015/11TH BHADRA, 1937

Cr1.MC.No. 5929 of 2015

IN C.C 580/2015 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT-
II, HOSDRUG

CRIME NO. 695/2014 OF HOSDURG POLICE STATION, KASARGOD

PETITIONERS/ACCUSED:

1. FAHAD ALI A, AGED 32 YEARS,
S/O.ABDUL HAMEED, RAMNATH PALACE, SOUTH TRIKKARIPPUR,
KASARAGOD DISTRICT.
2. ABDUL HAMEED M, AGED 65 YEARS,
S/O.MOHAMMED, RAMNATH PALACE, SOUTH TRIKKARIPPUR,
KASARAGOD DISTRICT.
3. SHAMEEMA, AGED 56 YEARS,
W/O.ABDUL HAMEED, RAMNATH PALACE, SOUTH TRIKKARIPPUR,
KASARAGOD DISTRICT.

BY ADVS.SRI.RAHUL SASI
SMT.NEETHU PREM

RESPONDENTS/COMPLAINANT:

1. STATE OF KERALA
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA.
ERNAKULAM. PIN - 682 031.
2. AYISHA FARZANA P.P, AGED 30 YEARS,
D/O.P.P.KUNHABDULLA, ASIMGHAR, P.O.KOLVAYAL,
AJANUR VILLAGE, HOSDURG TALUK,
KASARAGOD DISTRICT PIN - 673 001.

R2 BY ADV. SRI.NIRMAL V NAIR
R1 BY PUBLIC PROSECUTOR SMT.SHEEBA M.T

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 02-09-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

Cr1.MC.No. 5929 of 2015

APPENDIX

PETITIONERS' ANNEXURES:

ANNEXURE-A1: COPY OF THE FINAL REPORT IN CRIME NO.695 OF 2014
OF HOSDURG POLICE STATION.

ANNEXURE-A2: AFFIDAVIT DATED 21.8.2015 SUBMITTED BY 2ND
RESPONDENT

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.5929 of 2015

Dated this the 2nd day of September, 2015

O R D E R

The petitioners herein are the three accused in C.C No.580/2015 of the Judicial First Class Magistrate Court II, Hosdurg. 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 323, 406 and 498(A) r/w 34 of the Indian Penal Code on the complaint of one Ayisha Farzana who is the 2nd respondent in this proceeding brought under Section 482 of the Code of Criminal Procedure. The victim's affidavit shows that the whole matrimonial dispute stands resolved forever. It is submitted that she has re-united with her husband in matrimony, and now they are leading a happy matrimony. In such a situation continuance of prosecution will do harm and hardship to both the parties, and will also defile their happy matrimony.

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.580/2015 of the Judicial First Class Magistrate Court II, Hosdurg 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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