

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 3RD DAY OF SEPTEMBER 2015/12TH BHADRA, 1937

Crl.M.C.No. 5934 of 2015

**C.C.NO.2171/2014 OF JUDICIAL FIRST CLASS MAGISTRATE'S COURT-I,
PARAPPANANGADI**

CRIME NO. 352/2014 OF TANUR POLICE STATION , MALAPPURAM

PETITIONER/ACUSED :-

- 1. ABBAS, S/O.KUNHUMON, AGED 41 YEARS,
UNNICHINTEPURAKKAL HOUSE,
OTTUMPURAM, PARIYAPURAM POST,
MALAPPURAM DISTRICT.**
- 2. KASIMKOYA, S/O.SAVAN, AGED 35 YEARS,
THEKKARAKATH HOUSE,
KORMAN KADAPPURAM,
TANUR POST, MALAPPURAM DISTRICT.
PIN – 676 302.**
- 3. RASHEED, S/O.KUNHUMHAMMED, AGED 36 YEARS,
KUNHIKAMMUNTE PURAKKAL HOUSE,
TANUR POST, MALAPPURAM DISTRICT.**
- 4. AZEEZ, S/O.SAVAN, AGED 25 YEARS,
THEKKARAKATH HOUSE,
KORMAN KADAPPURAM,
TANUR POST, MALAPPURAM DISTRICT.
PIN – 676 302.**

BY ADV. SRI.K.P.SUDHEER

RESPONDENTS/STATE & COMPLAINANT :-

- 1. THE STATE OF KERALA,
REPRESENTED BY ITS PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM,
REPRESENTING SUB INSPECTOR OF POLICE,
TANUR POLICE STATION, MALAPPURAM DISTRICT,
PIN – 676 302.**
- 2. RAHMATH, D/O.SULAIMAN, AGED 33 YEARS,
UNNICHINTEPURAKKAL HOUSE,
TANUR POST, OTTUMPURAM,
MALAPPURAM DISTRICT, PIN – 676 302.**

**R1 BY SMT.SHEEBA M.T.,PUBLIC PROSECUTOR
R2 BY ADV. SRI.ARUN MATHEW VADAKKAN**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 03-09-2015, ALONG WITH CRL.M.C.NOS.5935, 5936 AND 5937 OF 2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Crl.M.C.No. 5934 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES :-

**ANNEXURE A1 : CERTIFIED COPY OF FIRST INFORMATION REPORT DATED
12.02.2014 IN CRIME NO.352/2014 OF TANUR POLICE STATION.**

**ANNEXURE A2 : CERTIFIED COPY OF FINAL REPORT DATED 05.04.2014 IN
CRIME NO.352/2014 OF TANUR POLICE STATION.**

**ANNEXURE A3 : TRUE COPY OF AGREEMENT DATED 21.10.2014 EXECUTED
BETWEEN THE 1ST PETITIONER AND 2ND RESPONDENT.**

RESPONDENT(S)' ANNEXURES :- NIL

//TRUE COPY//

P.A. TO JUDGE

rkj

P.UBAID, J.

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**Crl.M.C.Nos.5934, 5935, 5936
& 5937 of 2015**
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Dated this the 3rd day of September, 2015

ORDER

Four criminal prosecutions arose out of some incidents relating to a matrimonial dispute. Those are now pending as four Calendar Cases before the Judicial First Class Magistrate's Court-I, Parappanangadi. One is C.C.No.1152/2013, the other is C.C.No.1754/2013, the third one is C.C.No.898/2014, and the 4th one is C.C.No.2171/2014. The victim of offence is the same in all these cases. She was married by the first petitioner in Crl.M.C.No.5934/2015 and Crl.M.C.No.5935/2015 in 1999, but, it is alleged that she did not have a happy matrimony. It is alleged that she was mentally and physically harassed by her husband, in-laws, and even the friends of her husband. In connection with this matrimonial dispute, some unhappy incidents arose, involving even assault and outrageous attempts against the wife. She made complaints regarding the different incidents of assault, and also regarding the alleged cruelty of her husband and

in- laws. Thus arose the four criminal cases. Now, all the four cases are sought to be quashed on the ground of amicable settlement between the parties out of Court. The victim has filed affidavit in all the proceedings to the effect that the whole dispute stands settled, and that her husband has divorced her. Her affidavit also shows that she has received everything due from her husband as per an agreement, and that she has no complaint or grievance now.

2. The Honourable Supreme Court has held in so many decisions that even in case involving in non-compoundable offences, the High Court can quash the prosecution if the parties have really settled the whole dispute out of Court, or they have come to terms amicably, and continuance of the prosecution will not serve any purpose. Of course, in view of the matrimonial disputes between the parties, the genuineness of the complaint alleging cruelty, or outrage of modesty is doubtful. Anyway, I am satisfied that the whole dispute stands resolved forever. Everything due to victim stands paid off. She has no grievance or complaint now. In such a situation, continuance of the different criminal cases will cause harm, hardship, and embarrassment to both the parties. It is appropriate that the whole prosecution be

quashed in the interest of all. No proceeding involves any public interest or public issue. Everything is purely personal in nature.

In the result, all the petitions are allowed. Accordingly, the prosecution in C.C.No.1152 of 2013, C.C.No.1754 of 2013, C.C.No.898 of 2014, and C.C.No.2171 of 2014 before the Judicial First Class Magistrate Court-I, Parappanangadi will stand quashed under Section 482 of the Code of Criminal Procedure. The accused in these proceedings will stand released from prosecution, and the bail bond, if any, executed by them will stand discharged.

Sd/-
P.UBAID
JUDGE

rkj

//TRUE COPY//

P.A. TO JUDGE