

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.MC.No. 5939 of 2015

**C.C.NO. 590/2012 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-I,
KARUNAGAPPALLY**

CRIME NO. 1503/2011 OF OACHIRA POLICE STATION, KOLLAM

PETITIONERS/ACCUSED A.1 TO 3 :-

- 1. MUHAMMED RAFEEQ, AGED 39 YEARS,
S/O HAMEEDKUTTY, PUTHENTHARA VEEDU, VARAVILA MURI,
NEAR L.P.SCHOOL, KLAPPANA VILLAGE, KOLLAM DISTRICT.**
- 2. HAMEEDKUTTY, AGED 63 YEARS,
S/O. HASSANKUTTY, PUTHENTHARA VEEDU, VARAVILA MURI,
NEAR L.P.SCHOOL, KLAPPANA VILLAGE, KOLLAM DISTRICT.**
- 3. LAILA, AGED 52 YEARS,
W/O HAMEEDKUTTY, PUTHENTHARA VEEDU, VARAVILA MURI,
NEAR L.P.SCHOOL, KLAPPANA VILLAGE, KOLLAM DISTRICT.**

BY ADV. SRI.P.V.DILEEP

RESPONDENT/COMPLAINANT :-

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. NIZA, AGED 32 YEARS, D/O ABOOBACKER KUNJU,
URAKKARANETAYYATHU VEEDU,
THODIYOOR NORTH MURI, THODIYOOR VILLAGE,
KARUNAGAPPALLY TALUK, KOLLAM DISTRICT.**
- 3. NAZAR, AGED 41 YEARS, S/O ABOOBACKER KUNU,
URAKKARANETAYYATHU VEEDU,
THODIYOOR NORTH MURI, THODIYOOR VILLAGE,
KARUNAGAPPALLY TALUK, KOLLAM DISTRICT.**

**R1 BY SMT.REMA R., PUBLIC PROSECUTOR
R2 & R3 BY ADV. SRI.T.P.PRADEEP**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 03-09-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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APPENDIX

PETITIONER(S)' ANNEXURES :-

**ANNEXURE A: A TRUE COPY OF FINAL REPORT IN CRIME NO.1503/2011 OF
OACHIRA POLICE STATION IN KOLLAM DISTRICT.**

ANNEXURE B: NOTARIZED AFFIDAVIT FILED OF THE 2ND RESPONDENT.

ANNEXURE C: NOTARIZED AFFIDAVIT FILED OF THE 3RD RESPONDENT.

RESPONDENT(S)' ANNEXURES :- NIL

//TRUE COPY//

P.A. TO JUDGE

rkj

P.UBAID, J.

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Crl.M.C.No.5939 of 2015

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Dated this the 3rd day of September, 2015

ORDER

The petitioners herein are the three accused in C.C.No.590 of 2012 of the Judicial First Class Magistrate Court, Karunagappally. 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 498(A), 447 and 323 read with Section 34 of the Indian Penal Code on the complaint of one Niza , 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. The other victim of offence is the 3rd respondent in this proceeding. He has also filed affidavit to the effect that he has settled the whole dispute with the accused, and he has no grievance or complaint now.

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 further proceedings 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.590 of 2012 of the Judicial First Class Magistrate Court, Karunagappally 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.

Sd/-
**PUBAID
JUDGE**

rkj

//TRUE COPY//

P.A. TO JUDGE