

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

MONDAY, THE 7TH DAY OF SEPTEMBER 2015/16TH BHADRA, 1937

Cr1.MC.No. 5976 of 2015

IN CC 4506/2014 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT
II, THRISSUR
CRIME NO. 1312/2014 OF ANTHIKAD POLICE STATION, THRISSUR

PETITIONERS/ACCUSED NO 1 TO 4:

1. NAVAS, AGED 28 YEARS,
S/O. NURUDHEEN, AMBALATHU VEETIL,
PERINGOTTUKARA DESOM, THANIYAM VILLAGE,
THRISSUR TALUK.
2. NURUDHEEN, AGED 55 YEARS,
S/O. YOUSEF, AMBALATHU VEETIL,
PERINGOTTUKARA DESOM,
THANIYAM VILLAGE, THRISSUR TALUK
3. SABIRA, AGED 47 YEARS,
W/O. NURUDHEEN, AMBALATHU VEETIL,
PERINGOTTUKARA DESOM, THANIYAM VILLAGE,
THRISSUR TALUK
4. NASIYA, AGED 24 YEARS,
D/O. NURUDHEEN, AMBALATHU VEETIL,
PERINGOTTUKARA DESOM, THANIYAM VILLAGE,
THRISSUR TALUK

BY ADVS.SRI.S.U.NAZAR

SRI.MANSOOR.B.H.

RESPONDENTS/STATE & DEFACTO COMPLAINANT:

1. NESMIYA, AGED 23 YEARS,
D/O. NAZAR, THERUVATH VEETIL, UZHUVATHKADAVATH DESOM,
LOKAMALESWARAM VILLAGE, KODUNGALLUR TALUK,
THRISSUR DISTRICT - 680 664.
2. SUB INSPECTOR OF POLICE
ANTHIKKAD POLICE STATION, ANTHIKKAD,
THRISSUR DISTRICT
3. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM - 682 031

R1 BY ADV. SRI.I.V.PRAMOD

R2 & R3 BY PUBLIC PROSECUTOR JUSTIN JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 07-09-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

Cr1.MC.No. 5976 of 2015

APPENDIX

PETITIONERS' ANNEXURES:

ANNEXURE A1: CERTIFIED COPY OF THE FINAL REPORT IN C.C NO
4506/2014 DATED 29/09/2014 BEFORE THE JFCM II THRISSUR.

ANNEXURE A2: AFFIDAVIT OF 1ST RESPONDENT DATED 31/8/2015

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.5976 of 2015

Dated this the 7th day of September, 2015

O R D E R

The petitioners herein are the four accused in C.C No.4506/2014 of the Judicial First Class Magistrate Court II, Thrissur. 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 498A, 406 and 323 r/w 34 of the Indian Penal Code on the complaint of one Nesmiya who is the first respondent in this proceeding brought under Section 482 of the Code of Criminal Procedure. The victim's affidavit shows that she has reunited with her husband in matrimony, and now they are leading a very happy matrimony. The whole matrimonial disputes between them stands resolved forever. It is appropriate that the prosecution be quashed.

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.4506/2014 of the Judicial First Class Magistrate Court II, Thrissur 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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