

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 8TH DAY OF SEPTEMBER 2015/17TH BHADRA, 1937

Cr1.MC.No. 6006 of 2015

IN CC 2490/2014 OF THE JUDICIAL FIRST CLASS MAGISTRATE
COURT I, HOSDRUG
CRIME NO. 145/2013 OF CHANDERA POLICE STATION , KASARGOD

PETITIONERS/ACCUSED:

1. JAFFER MANDYAN, AGED 35 YEARS,
S/O.ALEEMA, RESIDING AT KANHIRAYIL HOUSE,
ATHINJAL,
MANIKOTH P.O., AJANUR VILLAGE, KASARAGOD DISTRICT.
2. HALEEMA MANDYAN, AGED 52 YEARS,
M/O.JAFFER MANDYAN, RESIDING AT KANHIRAYIL HOUSE,
ATHINJAL, MANIKOTH P.O., AJANUR VILLAGE,
KASARAGOD DISTRICT.
3. MUNEERA, AGED 41 YEARS,
W/O.C.K.ABDUL RAHMAN, RSIDING AT KANHIRAYIL HOUSE,
ATHINJAL, MANIKOTH P.O., AJANUR VILLAGE,
KASARAGOD DISTRICT.
4. DAINABI, AGED 47 YEARS,
W/O.HASSAINAR MANDYAN,
RESIDING AT KANHIRAYIL HOUSE,
ATHINJAL, MANIKOTH P.O., AJANUR VILLAGE,
KASARAGOD DISTRICT.
5. SATHAR.K, AGED 40 YEARS,
S/O.MAMMU KANHIRAYIL,
RESIDING AT KANHIRAYIL HOUSE,
ATHINJAL, MANIKOTH P.O., AJANUR VILLAGE,
KASARAGOD DISTRICT.

BY ADVS.SRI.T.K.VIPINDAS

SRI.K.V.SREE VINAYAKAN

SRI.K.M.HASHIR

SRI.K.M.MUHAMMED HUSSAIN

RESPONDENTS/STATE & DEFACTO COMPLAINANT:

1. THE STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM REPRESENTING
S.H.O.
CHANDERA POLICE STATION, 671322.
2. NUZRATH.A.K., AGED 32 YEARS,
D/O.AMINA, AMINAS, OPPOSITE TELEPHONE EXCHANGE,
CHERUVATHUR, P.O.CHERUVATHUR, HOSDURG TALUK,
KASARAGOD DISTRICT, 671121.

R1 BY PUBLIC PROSECUTOR SRI.JUSTIN JACOB

R2 BY ADV. SRI.A.L.GEORGE

THIS CRIMINAL MISC. CASE HAVING COME UP FOR
ADMISSION ON 08-09-2015, THE COURT ON THE SAME DAY
PASSED THE FOLLOWING:

Cr1.MC.No. 6006 of 2015

APPENDIX

PETITIONERS' ANNEXURES:

ANNEXURE-A1: COPY OF THE FINAL REPORT IN CRIME
NO.145/2013 OF CHANDERA POLICE STATION.

ANNEXURE-A2: THE ORIGINAL AFFIDAVIT SWORN BY THE 2ND
RESPONDENT DATED 25.8.2015.

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.6006 of 2015

Dated this the 8th day of September, 2015

O R D E R

The petitioners herein are the five accused in C.C No.2490/2014 of the Judicial First Class Magistrate Court I, 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 498(A), 324 and 341 r/w 34 of the Indian Penal Code on the complaint of one Nuzrath who is the second respondent in this proceeding brought under Section 482 of the Code of Criminal Procedure. The victim's affidavit shows that the marriage stands dissolved, and that the whole matrimonial dispute stands resolved forever. As regards maintenance to the child also the parties have come to terms. In such a situation, 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.2490/2014 of the Judicial First Class Magistrate Court I, 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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