

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. 6012 of 2015

IN CC 1117/2015 OF THE ADDL.CHIEF JUDICIAL MAGISTRATE COURT,
ERNAKULAM
CRIME NO. 2290/2014 OF ERNAKULAM NORTH POLICE STATION,
ERNAKULAM

PETITIONERS/ACCUSED 1 TO 3:

1. MOHAMMED HARIS, AGED 39 YEARS,
S/O.IQBAL, 12F, APARTMENT D.D NEST FLAT,
KARANAKODAM JUNCTION, KALOOR P.O,
ERNAKULAM - 682 017.
2. IQBAL, AGED 67 YEARS,
S/O.NOOR MUHAMMED, 12F, APARTMENT D.D NEST FLAT,
KARANAKODAM JUNCTION, KALOOR P.O,
ERNAKULAM - 682 017.
3. SHEREENA, AGED 67 YEARS,
W/O.IQBAL, 12F, APARTMENT D.D NEST FLAT,
KARANAKODAM JUNCTION, KALOOR P.O,
ERNAKULAM - 682 017

BY ADVS.SRI.N.C.SAJITH

SRI.JEEMON P.ABRAHAM

RESPONDENTS/STATE & DEFACTO COMPLAINANT:

1. STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.
2. SHARMINA, AGED 35 YEARS,
D/O.K.P.RAFEEL, 41/2571-A,
MANZIL, NORTH RAILWAY STATION ROAD,
KOCHI - 682 018.

R2 BY ADV. SMT.T.J.MARIA GORETTI

R1 BY PUBLIC PROSECUTOR SRI.JUSTIN JACOB

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. 6012 of 2015

APPENDIX

PETITIONERS' ANNEXURES:

ANNEXURE A: COPY OF THE FINAL REPORT SUBMITTED BY THE FIRST RESPONDENT IN CRIME NO.2290/2014 OF E.T NORTH POLICE STATION, ERNAKULAM.

ANNEXURE B: AFFIDAVIT EXECUTED BY THE SECOND RESPONDENT.

RESPONDENT'S ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.6012 of 2015

Dated this the 8th day of September, 2015

O R D E R

The petitioners herein are the three accused in C.C No.1117/2015 of the Additional Chief Judicial Magistrate Court, Ernakulam. 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 Section 498(A) r/w Section 34 of the Indian Penal Code on the complaint of one Sharmina, 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 whole matrimonial dispute stands resolved forever. It is submitted that the victim has reunited with her husband, and that they are now leading a very happy matrimony. 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.1117/2015 of the Additional Chief Judicial Magistrate Court, Ernakulam 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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