

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 9TH DAY OF SEPTEMBER 2015/18TH BHADRA, 1937

Crl.MC.No. 6028 of 2015 ()

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CC 218/2014 of JUDICIAL FIRST CLASS MAGISTRATE COURT-II, MANJERI
CRIME NO. 755/2011 OF KONDOTTY POLICE STATION , MALAPPURAM DISTRICT
=====**

PETITIONERS/ACCUSED:

- 1. MANZOOR @ MOHAMMED MANZOOR AGED 27 YEARS
S/O ABOOBACKER HAJI, PULISSERIJUNDU HOUSE
PALLIKKAL P.O., CHELEMBRA, MALAPPURAM DISTRICT**
- 2. NAFEESA, W/O. ABOOBACKER HAJI, AGED 58 YEARS
PULISSERIKUNDU HOUSE, PALLIKKAL P.O., CHELEMBRA
MALAPPURAM DISTRICT**
- 3. ABOOBACKER HAJI, S/O. MOHAMMED, AGED 67 YEARS
PULISSERIKUNDU HOUSE, PALLIKKAL P.O.
CHELEMBRA, MALAPPURAM DISTRICT**
- 4. SALEENA K., W/O. RASHEED, AGED 32 YEARS, CHELAKKAD
HOUSE, CHAMAPARAMBA, PALLIKKAL P.O.,
MALAPPURAM DISTRICT**

BY ADV. SRI.P.SAMSUDIN

RESPONDENTS/DE-FACTO COMPLAINANT AND STATE:

- 1. A.K. RANILA, AGED 22 YEARS, D/O. RASHEED
NECHITHADATIL HOUSE, MUSLIYARANGADI
KONDOTTY- 673638, MALAPPURAM DISTRICT**
- 2. STATE OF KERALA REPRESENTED BY THE PUBLIC
PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM - 682031**

R1 BY ADV. SRI.K.C.ANTONY MATHEW

R2 BY PUBLIC PROSECUTOR SRI. JUSTIN JACOB

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

APPENDIX

PETITIONERS' EXHIBITS

- | | |
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| ANNEXURE A1 | CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO. 755/2011 OF KONDOTTY POLICE STATION |
| ANNEXURE A2 | COPY OF THE JUDGMENT DATED 20.05.2014 IN CRL..C.2665/2014 OF THIS HONOURABLE COURT |
| ANNEXURE A3 | COPY OF THE AFFIDAVIT DATED 01.09.2015 SWORN IN BY THE 1ST RESPONDENT |

RESPONDENTS' EXHIBITS

NIL

TRUE COPY

P.A. TO JUDGE

SD

P. UBAID, J.

Crl.M.C.No.6028 of 2015

Dated this the 9th day of September, 2015

O R D E R

The petitioners herein are the accused in C.C. No.218/2014 of the Judicial First Class Magistrate Court-II, Manjeri. 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 and 406 read with 34 IPC, on the complaint of one Ranila, who is the 1st 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.

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, and I am satisfied that the parties are now on quite cordial terms. 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. Even otherwise the prosecution is liable to be quashed because the victim had earlier brought a prosecution against the petitioners on the same set of allegations, and the said prosecution stands already quashed.

In the result, this petition is allowed. The prosecution against the petitioners herein in C.C. No.218/2014 of the Judicial First Class Magistrate Court-II, Manjeri 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/-

P. UBAID, JUDGE

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