

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE P.UBAID**

**TUESDAY, THE 15TH DAY OF SEPTEMBER 2015/24TH BHADRA, 1937**

**Crl.MC.No. 6153 of 2015 ()**

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CC 1416/2013 of JUDICIAL FIRST CLASS MAGISTRATE COURT, KAYAMKULAM  
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**PETITIONER/COMPLAINANT:**  
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**SHAHANA SHANSUDEEN, AGED 23 YEARS  
D/O. SHAMSUDEEN, KOKATTUTHARAYIL  
PERINGALA P.O., KAYAMKULAM  
ALAPPUZHA -690502**

**BY ADVS.SRI.P.B.SAHASRANAMAN  
SRI.T.S.HARIKUMAR  
SRI.K.JAGADEESH**

**RESPONDENTS/STATE AND THE ACCUSED:**  
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- 1. STATE OF KERALA, REPRESENTED BY THE  
SUB INSPECTOR OF POLICE, KAYAMKULAM  
POLICE STATION, KAYAMKULAM P.O.  
ALAPPUZHA – 690502**
- 2. THOUFEEK, AGED 27 YEARS, S/O. HUSSAIN  
THURUTHIYIL KEERIKADU SOUTH  
KAYAMKULAM, ALAPPUZHA – 690508**
- 3. HUSSAIN, AGED 51 YEARS, S/O. ABDUL REHIMANKUTTY  
THURUTHIYIL, KEERIKADU SOUTH, KAYAMKULAM  
ALAPPUZHA – 690508**
- 4. RAMLATH, AGED 44 YEARS, W/O. HUSSAIN  
THURUTHIYIL, KEERIKADU SOUTH, KAYAMKULAM  
ALAPPUZHA – 690508**
- 5. THOUFIYA, D/O. HUSSAIN, THURUTHIYIL  
KEERIKADU SOUTH, KAYAMKULAM  
ALAPPUZHA – 690508, RESIDING AT KANIYANTE  
THARAYIL VEEDU, KADAPPA MURIYIL  
MYNAGAPPALLY VILLAGE, KUNNATHUR TALUK  
KOLLAM – 690519**

**R1 BY PUBLIC PROSECUTOR SMT. SHEEBA M.T.**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 15-09-2015, THE  
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

**APPENDIX**

**PETITIONER'S RESPONDENTS**

**ANNEXURE A1            CERTIFIED PHOTOSTAT COPY OF THE FIR NO.1461/2013 OF  
THE KAYAMKULAM POLICE STATION ALONG WITH THE FINAL  
REPORT**

**ANNEXURE A2            CERTIFIED COPY OF THE ORDER OF THE JUDICIAL FIRST  
CLASS MAGISTRATE COURT, KAYAMKULAM DATED 30.07.2015**

**RESPONDENTS' EXHIBITS**

**NIL**

**TRUE COPY**

**PA. TO JUDGE**

**SD**

P. UBAID, J.

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Crl.M.C.No.6153 of 2015  
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Dated this the 15<sup>th</sup> day of September, 2015

O R D E R

The petitioner herein is the defacto complainant in C.C.No.1416/2013 of the Judicial First Class Magistrate Court, Kayamkulam involving the offences under Section 498A and 420 IPC. She seeks orders quashing the prosecution under Section 482 Cr.P.C., on the ground of amicable settlement of the whole dispute out of court. Annexure A2 copy of the compromise filed before the learned Magistrate in M.C.No.86/2013 shows that the whole matrimonial dispute stands resolved forever, and that her husband has divorced her in terms of the settlement. The compromise also shows that all the proceedings including the present case stand settled amicably out of court. The Honourable Supreme Court has held in so many decisions that in such cases where the parties have come to terms amicably out of court, and continuance of prosecution will not serve any purpose, the High Court can quash the prosecution. Here, I find that the parties have come to terms, and the whole dispute stands resolved

forever. It is appropriate that the prosecution be quashed.

In the result, this Crl.M.C. is allowed. The prosecution against the respondents 2 to 5 in C.C.No.1416/2013 of the Judicial First Class Magistrate Court, Kayamkulam will stand quashed under Section 482 Cr.P.C.

Sd/-

P. UBAID, JUDGE

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