

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 16TH DAY OF SEPTEMBER 2015/25TH BHADRA, 1937

Crl.MC.No. 6209 of 2015 ()

**CC 1128/2013 of JUDICIAL FIRST CLASS MAGISTRATE COURT-IV, KOZHIKODE
CRIME NO. 98/2013 OF VELLAYIL POLICE STATION, KOZHIKODE**

PETITIONER(S)/ACCUSED NO. 1& 2:

- 1. MUJEEB, AGED 38 YEARS,
S/O ALI, VALIYATHODI PARAMBU HOUSE, CHAPLAYIL,
KASABA AMSOM, PUTHIYAKADAVU, NADAKKAVU P.O.,
KOZHIKODE DISTRICT.**
- 2. SAINABI,
D/O KUNHEEBI, CHAPLAYIL HOUSE, PUTHIYAKADAVU BEECH,
NADAKKAVU. PO, KOZHIKODE DISTRICT.**

BY ADV. SRI.U.K.DEVIDAS

RESPONDENT(S)/STATE & DEFACTO COMPLAINANT:

- 1. STATE OF KERALA,
REPRESENTED BY THE SUB INSPECTOR OF POLICE,
VELLAYI POLICE STATION,
KOZHIKODE DISTRICT THROUGH PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM**
- 2. UMMU HABEEBA, AGED 33 YEARS,
D/O ABOOBACKER, PUTHIYAKADAVU BEECH, NADAKKAVU.PO.,
KOZHIKODE DISTRICT-673 011.**

R2 BY ADV. SMT.P.M.SHAHIDA

R1 BY SMT.SHEENA M.T, PUBLIC PROSECUTOR

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
16-09-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

DG

Crl.MC.No. 6209 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS:

ANNEXURE A: CERTIFIED COPY OF THE FIRST INFORMATION REPORT IN
CRIME NO. 98/13 OF VELLAYIL POLICE STATION.

ANNEXURE B: CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO. 98/13
OF VELLAYIL POLICE STATION.

ANNEXURE C: THE ORIGINAL OF THE AFFIDAVIT SWORN IN BY THE 2ND
RESPONDENT DT. 13/9/15.

RESPONDENT(S)' EXHIBITS - NIL

//TRUE COPY//

P.A TO JUDGE

P. UBAID, J.

Crl.M.C.No.6209 of 2015

Dated this the 16th day of September, 2015

O R D E R

The petitioners herein are the accused Nos.1 and 2 in C.C. No.1128/2013 of the Judicial First Class Magistrate Court-IV, Kozhikode. 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 Ummu Habeeba, who is the 2nd 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. The affidavit shows that the whole matrimonial dispute stands resolved forever, and that the victim has joined her husband in matrimony. 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 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. 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.1128/2013 of the Judicial First Class Magistrate Court-IV, Kozhikode 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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