

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 17TH DAY OF SEPTEMBER 2015/26TH BHADRA, 1937

CrI.MC.No. 6229 of 2015 ()

CC 91/2014 of JUDICIAL FIRST CLASS MAGISTRATE COURT.-II (FOREST OFFENCES),
MANJERI
=====

PETITIONERS/ACCUSED:

- 1. HAROON RASHEED, AGED 39 YEARS
NADEER AHAMMED, BHARATNAGAR P.O.
SARAIHPALAYAM, NAGMARA CIRCLE
THANISANDRA MAIN ROAD
BANGALORE-45**
- 2. GULAB JAN, W/O. NADEER AHAMMED
BHARATNAGAR P.O., SARAIHPALAYAM
NAGMARA CIRCLE, THANISANDRA MAIN ROAD
BANGALORE-45**
- 3. SHASHUNNEESA, W/O. NADEER AHAMMED
BHARATNAGAR P.O., SARAIHPALAYAM
NAGMARA CIRCLE, THANISANDRA MAIN ROAD
BANGALORE-45**

BY ADV. SRI.SUNNY MATHEW

RESPONDENT(S):

- 1. AMINA, D/O. ALAVI (LATE), ANAMAITHADAM HOUSE
MUNDAKULAM, MUTHUVALLUR – 673503**
- 2. THE SUB INSPECTOR OF POLICE, KONDOTTY
POLICE STATION, MALAPPURAM DISTRICT – 676001**
- 3. STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM - 682031**

R1 BY ADV. SRI.C.C.ANOOP
R2 & R3 BY PUBLIC PROSECUTOR SMT. SHEEBA M.T.

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 17-09-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

APPENDIX

PETITIONERS' EXHIBITS

- | | |
|---------------------|---|
| ANNEXURE -A1 | COPY OF THE FINAL REPORT IN C.C.91/2014 OF THE COURT OF THE JUDICIAL MAGISTRATE OF FIRST CLASS-II,(FOREST OFFENCES), MANJERI |
| ANNEXURE-A2 | COPY OF THE AGREEMENT ENTERED INTO BETWEEN THE 1ST RESPONDENT/DEFACTO COMPLAINANT AND THE 1ST PETITIONER |
| ANNEXURE-A3 | COPY OF THE AFFIDAVIT SWORN TO BY THE 1ST RESPONDENT/DEFACTO COMPLAINANT |

RESPONDENTS' EXHIBITS

NIL

TRUE COPY

P.A. TO JUDGE

SD

P. UBAID, J.

Crl.M.C.No.6229 of 2015

Dated this the 17th day of September, 2015

O R D E R

The petitioners herein are the accused Nos.1 to 3 in C.C.91/2014 of the Judicial First Class Magistrate Court-II(Forest Offences), 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 Section 34 IPC, on the complaint of one Amina, 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. The affidavit shows that the whole matrimonial dispute stands resolved forever, and that her husband has divorced her in terms of the settlement arrived at. I am satisfied that the dues also stand settled. 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.91/2014 of the Judicial First Class Magistrate Court-II(Forest Offences), 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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