

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

**PRESENT:**

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

**FRIDAY, THE 25TH DAY OF SEPTEMBER 2015/3RD ASWINA, 1937**

**Crl.MC.No. 6238 of 2015 ()**  
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**CRIME NO. 446/2013 OF CHANGARAMKULAM POLICE STATION , MALAPPURAM NOW  
PENDING ON THE FILE OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT,  
PONNANI**

**PETITIONERS/ACCUSED NO.1 TO 3:**  
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- 1. ABDUL AZIZ, AGED 44 YEARS,  
S/O.BAPPUTTY, PANDARATHIL, KOLALAMBU,  
EDAPPAL, MALAPPURAM DISTRICT.**
- 2. PATHUMMA, AGED 55 YEARS,  
W/O.BAPPUTTY, PANDARATHIL, KOLALAMBU,  
EDAPPAL, MALAPPURAM DISTRICT.**
- 3. SAJANA, AGED 28 YEARS,  
W/O.ABDUL AZIZ, PANDARATHIL, KOLALAMBU,  
EDAPPAL, MALAPPURAM DISTRICT.**

**BY ADVS.SRI.K.B.ARUNKUMAR  
SRI.RANJIT BABU**

**RESPONDENTS/STATE AND DEFACTO COMPLAINANT:**  
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- 1. STATE OF KERALA,  
REPRESENTED THROUGH THE SUB INSPECTOR OF POLICE,  
CHANGARAMKULAM POLICE STAION, MALAPPURAM DISTRICT,  
REPRESENTED BY THE PUBLIC PROSECUTOR  
HIGH COURT OF KERALA, ERNAKULAM, PIN 682032.**
- 2. RAHMATH, AGED 36 YEARS,  
D/O.KUNJIMON, PATTANMARA VALAPPIL HOUSE, KOLALUMBU,  
EDAPPAL, PIN 679576.**

**R2 BY ADV. SRI.PRATHEESH.P  
R BY PUBLIC PROSECUTOR ADV. SHRI. ABDUL REHMAN**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON  
25-09-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

**Crl.MC.No. 6238 of 2015 ()**  
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**APPENDIX**

**PETITIONER(S)' EXHIBITS:**  
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**ANNEXURE-1: THE CERTIFIED COPY OF THE FIR IN CRIME NO.446/2013 OF  
CHANGARAMKULAM POLICE STATION NOW PENDING ON THE FILE OF  
THE JUDICIAL FIRST CLASS MAGISTRATE COURT, PONNANI.**

**ANNEXURE-2: THE AFFIDAVIT DATED 07.09.2015 EXECUTED BY THE 2ND  
RESPONDENT.**

**RESPONDENT(S)' EXHIBITS:**  
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**NIL**

**/TRUE COPY/**

**P.A. TO JUDGE**

**AK**

**P.UBAID, J.**

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**Crl.M.C.No.6238 of 2015**  
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Dated this the 25<sup>th</sup> day of September, 2015

**ORDER**

The petitioners seek orders quashing the F.I.R and further proceedings in Crime No.446 of 2013 of Changaramkulam Police Station, registered under Sections 498(A), 406 and 447 read with Section 34 of the Indian Penal Code on the complaint of one Rahmath. Orders are sought on the ground of amicable settlement of the whole dispute between the accused and the de facto complainant out of court. The de facto complainant is the 2<sup>nd</sup> 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.

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; be it at the crime

stage or at the trial stage or even at the appellate or revision stage; if the parties have really settled the whole dispute, or if continuance of the prosecution will not serve any purpose. Here, I find a real case of settlement between the parties, and I also find that continuance of the prosecution in such a situation will not serve any purpose other than wasting the precious time of the court, when the case ultimately comes before the court.

3. The victim's affidavit shows that the whole matrimonial dispute stands resolved forever. It is submitted that the marriage stands dissolved by decree, and that the victim's claim also stands settled. In such a situation, it is appropriate that the pending proceeding be quashed.

In the result, this petition is allowed. The F.I.R and further proceedings in 446 of 2013 of Changaramkulam Police Station, will stand quashed under Section 482 of the Code of Criminal Procedure.

Sd/-  
**P.UBAID**  
**JUDGE**

rkj

//TRUE COPY//

P.A. TO JUDGE