

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 18TH DAY OF SEPTEMBER 2015/27TH BHADRA, 1937

Crl.MC.No. 6249 of 2015 ()

CRIME NO.74/2015 OF MEENAKSHIPURAM POLICE STATION, PALAKKAD

PETITIONER(S)/ACCUSED:

1. RASHEED AGED 27 YEARS
S/O. LATHEEF, LATHEEF MANZIL, VANDITHAVALAM
PALAKKAD.
2. LATHEEF,
S/O.IBRAHIM RAWTHER, LATHEEF MANZIL, PATTIKULAM
NANNIYODE, VANDITHAVALAM, PALAKKAD.
3. AMINA,
W/O. LATHEEF, LATHEEF MANZIL, PATTIKULAM
NANNIYODE, VANDITHAVALAM, PALAKKAD.

BY ADV. SRI.SYAM J SAM

RESPONDENT(S)/STATE AND DEFACTO COMPLAINANT:

1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM – 682 031.
2. MUHZINA,
W/O. RASHEED, LATHEEF MANZIL, PATTIKULAM
VANDITHAVALAM, PALAKKAD – 678 001.

R2 BY ADV. SMT.KRISHNA RAJENDRAN
R1 BY PUBLIC PROSECUTOR SMT.SHEEBA M.T.

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
18-09-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Crl.MC.No. 6249 of 2015

APPENDIX

PETITIONERS' EXHIBITS:

ANNEXURE A1: TRUE COPY OF THE FIR IN CRIME NO.74/2015 OF
MEENAKSHIPURAM POLICE STATION, PALAKKAD

ANNEXURE A2: THE TRUE COPY OF THE AFFIDAVIT SWORN BY THE SECOND
RESPONDENT

RESPONDENTS EXHIBITS:

/TRUE COPY/

P.A TO JUDGE

P.UBAID, J.

Crl.M.C No.6249 of 2015

Dated this the 18th day of September, 2015

O R D E R

The petitioners seek orders quashing the F.I.R and further proceedings in Crime No.74/2015 of the Meenashipuram Police Station, Palakkad, registered under Section 498(A) r/w 34 of the Indian Penal Code, on the complaint of one Muhzina. 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 Muhzina is the 2nd respondent in this proceeding brought under Section 482 of the Code of Criminal Procedure. The victim's affidavit shows that she has joined her husband in matrimony, and that now she is happy with her husband and the child born in their wedlock. 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; be it at the crime stage or at the trial stage or even at the appellate or

revisional 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 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.

In the result, this petition is allowed. The F.I.R and further proceedings in Crime No.74/2015 of the Meenashipuram Police Station, Palakkad will stand quashed under Section 482 of the Code of Criminal Procedure.

**P.UBAID
JUDGE**

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