

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

MONDAY, THE 23RD DAY OF NOVEMBER 2015/2ND AGRAHAYANA, 1937

Crl.MC.No. 6275 of 2015 ()

**CRIME NO. 826/2014 OF CHANDERA POLICE STATION, KASARGOD DISTRICT
CC NO.604/2015 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT-I, HOSDURG
=====**

PETITIONER/ACCUSED:

**JUNAID V.M, AGED 32 YEARS
S/O.MUHAMMED KUNHI N., RESIDING AT MA HOUSE
UDUMBUNTHALA P.O., NORTH TRIKARIPUR, HOSDURG TALUK
KASARAGOD DISTRICT.**

BY ADV. SRI.SURESH KUMAR KODOTH

RESPONDENTS/STATE & COMPLAINANT:

- 1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA.**
- 2. ARIFA V.P.M., AGED 22 YEARS
D/O.ABDULLA MOULAVI, RESIDING AT ARIFA MANZIL, AYITTY
NORTH THRIKARIPUR VILLAGE, KASARAGOD DISTRICT-671310.**

**R2 BY ADV. SRI.K.P.BALAGOPAL
R1 BY PUBLIC PROSECUTOR SMT. SHEEBA M.T.**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 23-11-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

CRL.M.C.NO. 625/2015

APPENDIX

PETITIONER'S EXHIBITS

ANNEXURE 1 CERTIFIED COPY OF THE PRIVATE COMPLAINT AND FIR

ANNEXURE 2 ORIGINAL COPY OF THE AGREEMENT DATED 16.10.2014

RESPONDENTS' EXHIBITS

NIL

// TRUE COPY //

P.A.TO JUDGE

SD

P. UBAID, J.

Crl.M.C.No.6275 of 2015

Dated this the 23rd day of November, 2015

O R D E R

The petitioner herein is the accused in C.C.No.604/2015 of the Judicial First Class Magistrate Court-Hosdurg. He seeks orders quashing the prosecution on the ground of amicable settlement of the whole dispute between him and the de facto complainant. Crime in this case was registered under Section 498-A IPC, on the complaint of one Arifa, 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. Her affidavit shows that the whole matrimonial dispute stands resolved forever, and that the marriage stands dissolved by pronouncement of 'Talaq' in terms of the settlement. The claims 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 petitioner herein in C.C.No.604/2015 of the Judicial First Class Magistrate Court-Hosdurg will stand quashed under Section 482 of the Code of Criminal Procedure. Accordingly, the petitioner will stand released from prosecution, and the bail bond, if any, executed by him will stand discharged.

Sd/-

P. UBAID, JUDGE

sd

// True Copy //

P.A. to Judge