

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 22ND DAY OF SEPTEMBER 2015/31ST BHADRA, 1937

Crl.MC.No. 6276 of 2015

**C.C.NO. 2614/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT,
PARAPPANANGADI**

CRIME NO. 839/2014 OF THIRURANGADI POLICE STATION, MALAPPURAM

PETITIONER(S)/ACCUSED :-

- 1. KHALID, AGED 27 YEARS,
S/O.HASSAN, KORANKANNARI, VALLIKUNNU AMSOM,
CHELARI DESOM, THIRURANGADI TALUK,
MALAPPURAM DISTRICT.**
- 2. KHADEEJA, AGED 48 YEARS,
W/O.HASSAN, KORANKANNARI, VALLIKUNNU AMSOM,
CHELARI DESOM, THIRURANGADI TALUK,
MALAPPURAM DISTRICT.**

**BY ADVS.SRI.O.V.MANIPRASAD
SRI.JOSE ANTONY**

RESPONDENT(S)/STATE AND THE DE-FACTO COMPLAINANT :-

- 1. STATE OF KERALA,
(SUB INSPECTOR OF POLICE,
THIRURANGADI POLICE STATION, CRIME NO.839/2014)
REPRESENTED BY THE PUBLIC PROSECUTOR ,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. SMT.NUFYSIYA, AGED 22 YEARS, D/O.ABDUL KHADER,
PUTHUKULANGARA, MUNDIANKAVU,
VALLIKKUNNU P.O., PARAPPANANGADI VIA,
MALAPPURAM DISTRICT- 673 314.**

**R1 BY SRI.JUSTIN JACOB, PUBLIC PROSECUTOR
R2 BY ADV. SRI.SAJU J PANICKER**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 22-09-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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APPENDIX

PETITIONER(S)' ANNEXURES :-

**ANNEXURE A1: THE TRUE COPY OF THE COMPLAINT MADE BY THE 2ND
RESPONDENT ON 22-8-2014 BEFORE THE THIRURANGADI
POLICE STATION.**

**ANNEXURE A2: THE TRUE COPY OF THE FIR IN CRIME NO. 839/2014 OF
THIRURANGADI POLICE STATION.**

**ANNEXURE A3: THE TRUE COPY OF THE FINAL REPORT DATED 11-9-2014 FILED BY
THE FIRST RESPONDENT.**

ANNEXURE A4: THE TRUE COPY OF THE AGREEMENT.

ANNEXURE A5: THE AFFIDAVIT SWORN TO BY THE 2ND RESPONDENT.

RESPONDENT(S)' ANNEXURES :- NIL

//TRUE COPY//

P.A. TO JUDGE

P.UBAID, J.

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Crl.M.C.No.6276 of 2015
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Dated this the 22nd day of September, 2015

ORDER

The petitioners herein are the two accused in C.C.No.2614 of 2014 of the Judicial First Class Magistrate Court, Parappanangadi. 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 of the Indian Penal Code on the complaint of one Nufysiya, 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.

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.

3. The victim's affidavit shows that the marriage stands dissolved by talaq, and that she has received all the dues. The whole dispute stand resolved forever. In such a situation, it is appropriate that the pending prosecution be quashed.

In the result, this petition is allowed. The prosecution against the petitioners herein in C.C.No.2614 of 2014 of the Judicial First Class Magistrate Court, Parappanangadi 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

rkj

//TRUE COPY//

P.A. TO JUDGE