

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. 6280 of 2015

C.C.NO. 526/2010 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-II, ATTINGAL
CRIME NO. 190/2010 OF PALLIKKAL POLICE STATION , THIRUVANANTHAPURAM

PETITIONER(S)/ACCUSED NO.1 & 2 :-

- 1. AMEERUDHEEN, AGED 41 YEARS,
S/O.ABDUL MAJEED, MAJEED MANZIL,
CN PV/87 MARUTHIKUNNU,
KUDAVOOR, NAVAYIKKULAM,
THIRUVANANTHAPURAM DISTRICT.**
- 2. SAHEED, AGED 55 YEARS,
S/O.ABDUL MAJEED, DARUL ALI,
VALAVANUTTUKONAM,
MARUTHIKUNNU, KUDAVOOR,
THIRUVANANTHAPURAM DISTRICT.**

BY ADV. SRI.SALIM V.S.

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY THE SUB INSPECTOR OF POLICE,
PALLIKKAL POLICE STATION,
THIRUVANANTHAPURAM DISTRICT ,
REPRESENTED THROUGH
PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, PIN-682031.**
- 2. ISHATH BEEVI, AGED 28 YEARS,
D/O.ARIFA BEEVI, MUBARAK MANZIL, CHEKITAMUKKU,
MANGOL, KOLLAM DISTRICT, PIN-691015.**

R1 BY SRI.JUSTIN JACOB, PUBLIC PROSECUTOR
R2 BY ADV. SRI.H.NUJUMUDEEN

**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 : CERTIFIED COPY OF THE FIR IN CRIMENO.190/2010.

ANNEXURE-A2 : CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO.190/2010.

**ANNEXURE-A3 : TRUE COPY OF THE SETTLEMENT BY THE 1ST PETITIONER AND
2ND RESPONDENT BEFORE THE LOK ADALATH HELD ON
12.02.2013.**

**ANNEXURE-A4 : AFFIDAVIT DULY SIGNED BY THE DEFACTO COMPLAINANT
ATTESTED BY A NOTARY PUBLIC.**

RESPONDENT(S)' ANNEXURES :- NIL

//TRUE COPY//

P.A. TO JUDGE

rkj

P.UBAID, J.

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Crl.M.C.No.6280 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.526 of 2010 of the Judicial First Class Magistrate Court-II, Attingal. 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 Section 498(A) read with Section 34 of the Indian Penal Code on the complaint of one Ishath Beevi, 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 whole matrimonial dispute stands resolved forever. It is submitted that the parties have decided to part ways. 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.526 of 2010 of the Judicial First Class Magistrate Court-II, Attingal 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