

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 23RD DAY OF SEPTEMBER 2015/1ST ASWINA, 1937

Cr1.MC.No. 6290 of 2015

IN CC 447/2015 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT-
V, KOZHIKODE
CRIME NO. 591/2014 OF BEYPORE POLICE STATION, KOZHIKODE

PETITIONERS/ACCUSED NOS.1 TO 4:

1. MOHAMED SHAKEEL, AGED 35 YEARS,
S/O.IBRAHIMKUTTY, KOTHOTH HOUSE, PAZHOORTHOTTAM,
KUMARANELLOOR.P.O., MUKKOM, KOZHIKODE DISTRICT.
2. RUKHIYA, AGED 53 YEARS,
W/O.IBRAHIMKUTTY, KOTHOTH HOUSE, PAZHOORTHOTTAM,
KUMARANELLOOR.P.O., MUKKOM, KOZHIKODE DISTRICT.
3. SALEENA, AGED 29 YEARS,
D/O.IBRAHIMKUTTY, KOTHOTH HOUSE, PAZHOORTHOTTAM,
KUMARANELLOOR.P.O., MUKKOM, KOZHIKODE DISTRICT.
4. SAJINA, AGED 27 YEARS,
D/O.IBRAHIMKUTTY, KOTHOTH HOUSE, PAZHOORTHOTTAM,
KUMARANELLOOR.P.O., MUKKOM, KOZHIKODE DISTRICT.

BY ADVS.SRI.S.KANNAN

SMT.K.S.SANGEETHA

SMT.S.SIMY

RESPONDENTS/STATE/DEFACTO COMPLAINANT:

1. THE STATE OF KERALA
REPRESENTED BY THE SUB INSPECTOR OF POLICE,
BEYPORE POLICE STATION, KOZHIKODE,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.
2. SAFOORA A.T, AGED 23 YEARS,
D/O.ISMAIL, ARAYANTHOPPIL, P.O.BEYPORE,
KOZHIKODE, NOW RESIDING AT KOTHOTH HOUSE
PAZHOORTHOTTAM, KUMARANELLOOR.P.O., MUKKOM,
KOZHIKODE DISTRICT.

R2 BY ADV. SRI.K.M.FIROZ

R2 BY ADV. SMT.M.SHAJNA

R1 BY PUBLIC PROSECUTOR SRI.JUSTIN JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 23-09-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

Cr1.MC.No. 6290 of 2015

APPENDIX

PETITIONERS' ANNEXURES:

ANNEXURE A- COPY OF THE FINAL REPORT SUBMITTED BEFORE THE
JUDICIAL FIRST CLASS MAGISTRATE COURT-V, KOZHIKODE IN CRIME
NO.591 OF 2014 BY SUB INSPECTOR OF POLICE, BEYPORE POLICE
STATION.

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

ab

P.UBAID, J.

Crl.M.C No.6290 of 2015

Dated this the 23rd day of September, 2015

O R D E R

The petitioners herein are the four accused in C.C No.447/2015 of the Judicial First Class Magistrate Court V, Kozhikode. They seeks 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 323, 406 and 498A r/w 34 of the Indian Penal Code on the complaint of one Safoora who is the second respondent in this proceeding brought under Section 482 of the Code of Criminal Procedure. The victim's affidavit shows that the whole dispute stands resolved forever, and that the victim has joined her husband in matrimony. I am well satisfied that the parties are now leading a very happy matrimony. In such a situation, it is appropriate that the pending 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 the prosecution 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 petitioners herein in C.C No.447/2015 of the Judicial First Class Magistrate Court V, Kozhikode 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.

**P.UBAID
JUDGE**

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