

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 29TH DAY OF SEPTEMBER 2015/7TH ASWINA, 1937

Crl.MC.No. 6387 of 2015 ()

C.C.NO 1365/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-II, KOCHI.

PETITIONERS/ACCUSED 1 TO 4:

- 1. ABDUL MUHASEEN, AGED 35 YEARS,
S/O. ABDUL MAJEED, HOUSE NO. 20/1996 F, CHENNATTU LANE,
KOLLASSERY ROAD, PALLURUTHY.**
- 2. ABDUL MAJEED,
S/O. MOHAMMED ALI, HOUSE NO. 20/1996 F,
CHENNATTU LANE, KOLLASSERY ROAD, PALLURUTHY.**
- 3. SEFIATH,
W/O. ABDUL MAJEED, HOUSE NO. . 20/1996 F,
CHENNATTU LANE, KOLLASSERY ROAD, PALLURUTHY.**
- 4. SHAIKHA,
W/O. SHEHIR, HOUSE NO. 20/1996 F, CHENNATTU LANE,
KOLLASSERY ROAD, PALLURUTHY.**

**BY ADVS.SRI.S.RAJEEV
SRI.K.K.DHEERENDRAKRISHNAN
SRI.V.VINAY**

RESPONDENTS/STATE AND IFORMANT:

- 1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM (CRIME NO. 2315/2013 OF PALLURUTHY POLICE STATION
ERNAKULAM DISTRICT).**
- 2. SHAHEERA,
D/O. KUNJU VAVA, HOUSE N. 20/1996F, CHENNATTU LANE,
KOLLASSERY ROAD, PALLURUTHY - 682 006.**

**R2 BY ADV. SRI.VINOD KUMAR.C
R BY PUBLIC PROSECUTOR SMT. SHEEBA M.T.**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 29-09-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Crl.MC.No. 6387 of 2015 ()

APPENDIX

PETITIONER(S)' ANNEXURE:

**ANNEXURE-I: CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO. 2315/2013 OF
PALLURUTHY POLICE STATION (NOW , PENDIN AS CC NO. 1365/2014
ON ON THE FILE OF THE JUDICIAL MAGISTRATE OF FIRST CLASS-II,
KOCHI.)**

**ANNEXURE-II: AFFIDAVIT DATED 23.09.2015 SWORN BY THE SECOND RESPONDENT
DULY ATTESTED BY NOTARY PUBLIC.**

RESPONDENT(S)' ANNEXURE: **NIL**

/TRUE COPY/

P.A. TO JUDGE

AK

P.UBAID, J.

Crl.M.C.No. 6387 of 2015

Dated this the 29th day of September, 2015

ORDER

The petitioners herein are the four accused in C.C No. 1365/2014 of the Judicial First Class Magistrate Court-II, Kochi. 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 498A read with Section 34 of IPC; on the complaint of one Shaheera 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 stand resolved, and that the parties have re-united in matrimony in terms of the settlement. Now they are leading a very happy matrimony. In such a situation, it is appropriate that the prosecution be quashed.

In the result, this petition is allowed. The prosecution against the petitioners herein in C.C No. 1365/2014 of the Judicial First Class Magistrate Court-II, Kochi 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

/True copy/

AK

P.A. To Judge