

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. 6409 of 2015 ()

**C.C. NO. 601/2013 of JUDICIAL FIRST CLASS MAGISTRATE COURT, PAYYANNUR
CRIME NO. 1359/2012 OF PAYYANNUR POLICE STATION , KANNUR**

PETITIONERS/ACCUSED:

- 1. RAFI A, AGED 32 YEARS,
S/O.MUHAMMADKUNHI, RESIDING AT PMC XXIV/58, KOTTI,
NEAR RAILWAY STATION, P.O.PAYYANNUR,
PAYYANNUR AMSOM DESOM, KANNUR DISTRICT.**
- 2. AFSATH A, AGED 54 YEARS,
W/O.MUHAMMADKUNHI, RESIDING AT PMC XXIV/58, KOTTI,
NEAR RAILWAY STATION, P.O.PAYYANNUR,
PAYYANNUR AMSOM DESOM, KANNUR DISTRICT.**
- 3. ZEREENA A, AGED 27 YEARS,
W/O.SALIM P.S, RESIDING AT PMC XXIV/58, KOTTI,
NEAR RAILWAY STATION, P.O.PAYYANNUR,
PAYYANNUR AMSOM DESOM, KANNUR DISTRICT.**
- 4. RUBEENA A, AGED 30 YEARS,
W/O.MUSTHAFFA, RESIDING AT PMC XXIV/58, KOTTI,
NEAR RAILWAY STATION, P.O.PAYYANNUR,
PAYYANNUR AMSOM DESOM, KANNUR DISTRICT.**

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

RESPONDENTS/STATE & DE-FACTO COMPLAINANT:

- 1. STATE OF KERALA
(SUB INSPECTOR OF POLICE, PAYYANNUR POLICE STATION,
CRIME NO.1359/2012)
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.682 031.**
- 2. SAFWATH P.K, AGED 20 YEARS,
D/O.ABDUL JALEEL, P.K.HOUSE, RAMANTHALI AMSOM DESOM,
VADAKKUMBAD.P.O., VADAKKUMPAD, TALIPARAMBA TALUK,
KANNUR DISTRICT. 670 001.**

**R1 BY ADV. SRI.SAJU J PANICKER
R BY PUBLIC PROSECUTOR**

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

APPENDIX

PETITIONER(S)' EXHIBITS:

- ANNEXURE A1- THE TRUE COPY OF THE PRIVATE COMPLAINT DATED
15.11.2012 FILED BY THE 2ND RESPONDENT/DEFACTO
COMPLAINANT BEFORE THE JUDICIAL FIRST CLASS
MAGISTRATE COURT, PAYYANNUR.**
- ANNEXURE A2- TRUE COPY OF THE FIR IN CRIME NO.1359/2012 OF
PAYYANNUR POLICE STATION.**
- ANNEXURE A3- TRUE COPY OF THE REPORT/CHARGE SHEET DATED
29.05.2013 IN CRIME NO.1359/2012 OF PAYYANNUR POLICE
STATION.**
- ANNEXURE A4- TRUE COPY OF THE AGREEMENT.**
- ANNEXURE A5- THE AFFIDAVIT SWORN TO BY THE 2ND RESPONDENT.**

RESPONDENT(S)' EXHIBITS:

NIL

/TRUE COPY/

P.A. TO JUDGE

AK

P.UBAID, J.

Crl.M.C.No. 6409 of 2015

Dated this the 29th day of September, 2015

ORDER

The petitioners herein are the 4 accused in C.C No. 601/2013 of the Judicial First Class Magistrate Court, Payyannur. 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 498 A of Indian Penal Code; on the complaint of one Safwath P.K. 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, and that the marriage stands resolved by pronouncement of talaq. The victim has received all her dues from the husband. 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. 601/2013 of the Judicial First Class Magistrate Court, Payyannur 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

AK

//True copy//

P.A. to Judge