

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. 6414 of 2015 ()

**C.C.NO. 1275/2012 of JUDICIAL FIRST CLASS MAGISTRATE COURT., MANNARKAD
CRIME NO. 188/2012 OF MANNARKKAD POLICE STATION , PALAKKAD**

PETITIONERS/ACCUSED 1 TO 3:

- 1. ABDUL KADAR, AGED 35 YEARS,
S/O.ALI MUSALIYAR, PALLIYALTHODI HOUSE, POMBRA,
MANNARKKAD.**
- 2. MOHAMMED SALIH,
S/O.ALI MUSALIYAR, PALLIYALTHODI HOUSE, POMBRA,
MANNARKKAD.**
- 3. MOHAMMED SHAHEED,
S/O.ALI MUSALIYAR, PALLIYALTHODI HOUSE, POMBRA,
MANNARKKAD.**

BY ADV. SRI.L.RAJESH NARAYAN IYER

RESPONDENTS/COMPLAINANT:

- 1. SHAMLA, AGED 25 YEARS,
D/O.MUHAMMEDALI ALIAS KUNHAN, MALLIYIL HOUSE,
CHANGALEERI.P.O., KUMARAMPUTHUR VILLAGE, MANNARKKAD,
PALAKKAD-678 731.**
- 2. STATE OF KERALA
REPRESENTED BY SUB INSPECTOR OF POLICE,
MANNARKKAD POLICE STATION, THROUGH PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.**

**R1 BY ADV. SMT.PA.PRIYA
R BY PUBLIC PROSECUTOR SRI. JUSTIN JACOB**

**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 A- CERTIFIED COPY OF THE FIRST INFORMATION REPORT AND
FIRST INFORMATION STATEMENT IN FIR NO.188/2012 DATED
9.2.2012 OF MANNARGHAT POLICE STATION.**

**ANNEXURE B- CERTIFIED COPY OF THE FINAL REPORT IN CC NO.1275/2012
ON THE FILES OF THE JUDICIAL FIRST CLASS MAGISTRATE
COURT, MANNARKKAD DATED 10.3.2012.**

ANNEXURE C- TRUE COPY OF THE AFFIDAVIT DATED 22.5.2015.

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

P.A. TO JUDGE

AK

P.UBAID, J.

CrI.M.C.No. 6414 of 2015

Dated this the 29th day of September, 2015.

ORDER

The petitioners herein are the 3 accused in C.C No. 1275/2012 of the Judicial First Class Magistrate Court, Mannarkkad. 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 S.498(A) and S.323 read with S.34 of the Indian Penal Code; on the complaint of one Shamla who is the 1st 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 from both sides that the parties have re-united in matrimony and that they are now leading a very happy married life. In such a situation, it is appropriate that the prosecution be quashed. No doubt, continuance of prosecution will defile the happy married life.

In the result, this petition is allowed. The prosecution against the petitioners herein in C.C No. 1275/2012 of the Judicial First Class Magistrate Court, Mannarkkad 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