

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE P.UBAID**

**WEDNESDAY, THE 30TH DAY OF SEPTEMBER 2015/8TH ASWINA, 1937**

**Crl.MC.No. 6427 of 2015**  
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**CC 372/2015 OF J.M.F.C., PAYYANNUR  
CRIME NO. 31/2015 OF PAYYANNUR POLICE STATION , KANNUR**

**PETITIONER/ACCUSED:**  
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**MUHAMMED RAFI, AGED 30 YEARS,  
S/O. C.T. ABDULLA HAJI, "RAFI MANZIL",  
MADAKKAL, TRIKKARIPPUR AMSOM,  
KASARAGOD DISTRICT.**

**BY ADV. SRI. ZUBAIR PULIKKOOL**

**RESPONDENTS/COMPLAINANT:**  
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- 1. PADINJARE PURAYIL SHAREEFA,  
D/O. AHAMMED HAJI, SHAMIMA MANZIL,  
VADIPPURAM, KAVVAYI,  
KANNUR DISTRICT.**
- 2. STATE OF KERALA,  
REPRESENTED BY PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, ERNAKULAM.**

**R1 BY ADV. SRI.P.S. BINU  
R2 BY PUBLIC PROSECUTOR SMT. SHEEBA M.T.**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON  
30-09-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

**APPENDIX**

**PETITIONER(S)' EXHIBITS**  
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**ANNEXURE I: COPY OF THE FINAL REPORT IN CRIME 31/2015 OF  
PAYYANNUR POLICE STATION.**

**ANNEXURE II: THE ORIGINAL COPY OF THE AFFIDAVIT OF 1ST RESPONDENT.**

**RESPONDENT(S)' EXHIBITS - NIL**  
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**//TRUE COPY//**

**PA TO JUDGE**

**WW**

**P.UBAID, J.**

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**Crl.M.C.No.6427 of 2015**  
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Dated this the 30<sup>th</sup> day of September, 2015

**ORDER**

The petitioner herein is the sole accused in C.C.No.372 of 2015 of the Judicial First Class Magistrate Court, Payyannur. He seeks orders quashing the prosecution on the ground of amicable settlement of the whole dispute between him and the de facto complainant. Crime in this case was registered under Section 498(A) of the Indian Penal Code on the complaint of one Padinjare Purayil Shareefa, who is the 1<sup>st</sup> 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 marriage stands dissolved, and that the victim has received all her dues from the respondent. She does not now want to prosecute the matter. In such a situation, it is appropriate that the prosecution be quashed.

In the result, this petition is allowed. The prosecution against the petitioner herein in C.C.No.372 of 2015 of the Judicial First Class Magistrate Court, Payyannur will stand quashed under Section 482 of the Code of Criminal Procedure. Accordingly, the petitioner will stand released from prosecution, and the bail bond, if any, executed by him will stand discharged.

Sd/-

**P.UBAID  
JUDGE**

rkj

//TRUE COPY//

P.A. TO JUDGE