

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 1ST DAY OF OCTOBER 2015/9TH ASWINA, 1937

Cr1.MC.No. 6452 of 2015

IN C.C 224/2014 OF THE JUDICIAL FIRST CLASS MAGISTRATE
COURT, KAYAMKULAM
CRIME NO. 1442/2013 OF KAYAMKULAM POLICE STATION,
ALAPPUZHA

PETITIONER/ACCUSED:

ABDUL RASHEED, AGED 42 YEARS
S/O.SAINUDEEN KUNJU, RESIDING AT DARUL JAMEEL,
NEERKUNNAM, VANDANAM P.O., PUNNAPRA VILLAGE,
ALAPPUZHA DISTRICT.

BY ADVS.SRI.T.MADHU
SMT.C.R.SARADAMANI

RESPONDENTS/STATE:

1. THE STATE OF KERALA
THROUGH THE STATION HOUSE OFFICER,
KAYAMKULAM POLICE STATION, ALAPPUZHA DISTRICT,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682031.
2. JAMEELA, AGED 37 YEARS,
D/O.YOONUS KUNJU, RESIDING AT KAPPILETHU HOUSE,
KAPPILMEKKU MURI, KRISHNAPURAM VILLAGE,
KARTHIKAPPALLY TALUK,
ALAPPUZHA DISTRICT, 690533.

R2 BY ADV. SRI.B.K.RAJAGOPAL
R1 BY PUBLIC PROSECUTOR SRI.JUSTIN JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR
ADMISSION ON 01-10-2015, THE COURT ON THE SAME DAY
PASSED THE FOLLOWING:

Cr1.MC.No. 6452 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE-A1: CERTIFIED COPY OF THE FIR IN CRIME
NO.1442/2013 OF KAYAMKULAM POLICE STATION.

ANNEXURE-A2: COPY OF THE COMPLAINT IN C.M.P.NO.2037/2013
ON THE FILES OF THE LEARNED JUDICIAL FIRST CLASS
MAGISTRATE'S COURT, KAYAMKULAM.

ANNEXURE-A3: CERTIFIED COPY OF THE FINAL REPORT IN CRIME
NO.1442/2013 OF KAYAMKULAM POLICE STATION.

ANNEXURE-A4: COPY OF THE AGREEMENT DATED 22.4.2015
ENTERED INTO BETWEEN THE PETITIONER AND THE 2ND
RESPONDENT.

ANNEXURE-A5: THE AFFIDAVIT DATED 26.9.2015 SWORN IN BY
THE 2ND RESPONDENT.

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.6452 of 2015

Dated this the 1st day of October, 2015

O R D E R

The petitioner herein is the accused in C.C No.224/2014 of the Judicial First Class Magistrate Court, Kayamkulam. 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 Sections 406 and 498A of the Indian Penal Code, on the complaint of one Jameela 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 matrimonial dispute stands resolved forever, that the marriage stands dissolved in terms of the settlement arrived at, and that the victim has received all her dues from her husband. 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 further 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 petitioner herein in C.C No.224/2014 of the Judicial First Class Magistrate Court, Kayamkulam 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.

**P.UBAID
JUDGE**

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