

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

MONDAY, THE 5TH DAY OF OCTOBER 2015/13TH ASWINA, 1937

Crl.MC.No. 6491 of 2015 (C)

**C.C. NO. 1176/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, VATAKARA IN
CRIME NO. 521/2014 OF VATAKARA POLICE STATION , KOZHIKODE**

PETITIONER(S)/ACCUSED NO.1 AND 2:

- 1. ASHKAR, AGED 27 YEARS,
S/O. ANDRU, KANHAYI HOUSE,
SAND BANKS, PURANKARA,
VATAKARA, KOZHIKODE DISTRICT.**
- 2. ASMA, AGED 49 YEARS,
S/O. ANDRU, KANHAYIL HOUSE,
SAND BANKS, PURANKARA,
VATAKARA, KOZHIKODE DISTRICT.**

BY ADV. SMT. K.LASITHA

RESPONDENT(S)/ ACCUSED AND STATE:

- 1. ARSHINA, AGED 22 YEARS,
W/O. ASHKAR, KANHAYIL HOUSE,
SAND BANKS, PURANKARA,
VATAKARA, KOZHIKODE DISTRICT - 673 541.**
- 2. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

R1 BY ADV. SMT. K.MEKHA DINESH

R2 BY PUBLIC PROSECUTOR SMT. M.T. SHEEBA

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 05-10-
2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE A1: CERTIFIED COPY OF THE FIR NO. 521 DATED 28-04-2014
SUBMITTED BY THE SUB INSPECTOR OF POLICE, VATAKARA.**

**ANNEXURE A2: FINAL REPORT SUBMITTED BY SI OF POLICE VATAKARA IN
CRIME NO. 521/14 OF VATAKARA POLICE STATION.**

ANNEXURE A3: AFFIDAVIT OF RESPONDENT NO.1.

RESPONDENT(S)' EXHIBITS - NIL

//TRUE COPY//

P.A. TO JUDGE

P.UBAID, J.

=====
Crl.M.C.No.6491 of 2015
=====

Dated this the 5th day of October, 2015

ORDER

The petitioners herein are the two accused in C.C.No.1176 of 2014 of the Judicial First Class Magistrate Court, Vatakara. 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 of the Indian Penal Code on the complaint of one Arshina, 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 that the parties have joined in matrimony, and they are now leading a very happy married life. 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.1176 of 2014 of the Judicial First Class Magistrate Court, Vatakara 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

rkj

//TRUE COPY//

P.A. TO JUDGE