

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 6TH DAY OF OCTOBER 2015/14TH ASWINA, 1937

Crl.MC.No. 6493 of 2015 ()

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CC 410/2015 of JUDICIAL FIRST CLASS MAGISTRATE COURT, MALAPPURAM
CRIME NO. 758/2014 OF KONDOTTY POLICE STATION, MALAPPURAM DISTRICT
=====**

PETITIONERS/DEFACTO COMPLAINANT & ACCUSED NO. 1 TO 3:

- 1. AYISHA C.K., AGED 26 YEARS
D/O ASSAINAR, KALPAKASSERI VEEDU, ALPARAMBA
PALLIKKAL BAZAAR, AANTHIYURKUNNU P.O., KONDOTTY TALUK
MALAPPURAM DISTRICT-673637.**
- 2. SAINUDHEEN, AGED 37 YEARS
S/O KUNHALAVI HAJI, UPPINIYIL HOUSE
VALIYAPARAMBA P.O., PULIKKAL, KONDOTTY TALUK
MALAPPURAM DISTRICT-673638.**
- 3. MUHAMMED HANEEFA K, AGED 38 YEARS
S/O KUNHALAVI HAJI, UPPINIYIL HOUSE
VALIYAPARAMBA P.O., PULIKKAL, KONDOTTY TALUK
MALAPPURAM DISTRICT-673638.**
- 4. KUNHACHU, AGED 38 YEARS
W/O KUNHALAVI HAJI, UPPINIYIL HOUSE
VALIYAPARAMBA P.O., PULIKKAL, KONDOTTY TALUK
MALAPPURAM DISTRICT-673638.**

BY ADV. SRI.U.K.DEVIDAS

RESPONDENT/STATE:

**STATE OF KERALA, REPRESENTED BY THE
SUB INSPECTOR OF POLICE
KONDOTTY POLICE STATION
MALAPPURAM DISTRICT THROUGH PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT. SHEEBA M.T.

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 06-10-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

APPENDIX

PETITIONERS' EXHIBITS

ANNEXURE A: COPY OF THE FIRST INFORMATION REPORT IN CRIME NO.758/2014 OF KONDOTTY POLICE STATION ON THE FILES OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT, MALAPPURAM.

ANNEXURE B: COPY OF THE FINAL REPORT IN CRIME NOL.758/2014 OF KONDOTTY POLICE STATION ON THE FILES OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT, MALAPPURAM.

ANNEXURE C: THE ORIGINAL OF THE AFFIDAVIT SWORN IN BY THE FIRST PETITIONER DATED 7.9.2015.

RESPONDENT'S EXHIBITS

NIL

TRUE COPY

P.A. TO JUDGE

SD

P. UBAID, J.

Crl.M.C.No.6493 of 2015

Dated this the 6th day of October, 2015

O R D E R

The defacto complainant and the accused in C.C.No.410/2015 of the Judicial First Class Magistrate Court, Malappuram jointly seek orders quashing the prosecution on the ground of amicable settlement out of court. The defacto complainant has also filed affidavit to the effect that the whole dispute stands resolved forever, and that she has joined her husband. They are now leading a very happy life with their children, and that the whole matrimonial dispute stands resolved forever.

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. The parties have come to terms amicably on the intervention of persons acceptable to both sides. Continuance of the prosecution

will even defile their happy matrimony, and it will not serve any purpose other than wasting the precious time of the court. 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.410/2015 of the Judicial First Class Magistrate Court, Malappuram 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

sd

// True Copy //

P.A. to Judge