

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 7TH DAY OF OCTOBER 2015/15TH ASWINA, 1937

Crl.MC.No. 6541 of 2015

CC 2443/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT- I, PARAPPANANGADI

CRIME NO. 890/2014 OF TANUR POLICE STATION, MALAPPURAM

PETITIONERS/ACCUSED 1 TO 3 :-

- 1. ASHIQUE, AGED 27 YEARS,
S/O.MOIDEEN, EDASSERY HOUSE,
THRIPRANGODE AMSOM DESOM,
THRIPRANGODE P.O., 676 108,
MALAPPURAM DISTRICT.**
- 2. SAFIYA, AGED 45 YEARS,
W/O.MOIDEEN, EDASSERY HOUSE,
THRIPRANGODE AMSOM DESOM,
THRIPRANGODE P.O., 676 108,
MALAPPURAM DISTRICT.**
- 3. MOIDEEN, AGED 51 YEARS,
S/O.MOHAMMED, EDASSERY HOUSE,
THRIPRANGODE AMSOM DESOM,
THRIPRANGODE P.O., 676 108,
MALAPPURAM DISTRICT.**

BY ADV. SRI.K.K.MOHAMED RAVUF

RESPONDENTS/STATE AND DEFACTO COMPLAINANT :-

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. SAMEERA, AGED 24 YEARS, D/O.HAMZA,
PANDIKASHALAKATH HOUSE,
KUNDUNGAL, K.PURAM POST,
PIN - 676 307, TANUR, MALAPPURAM DISTRICT.**

R1 BY SMT. SHEEBA M.T., PUBLIC PROSECUTOR

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 07-10-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

rkj

APPENDIX

PETITIONER(S)' ANNEXURES :-

- ANNEXURE A1 : TRUE COPY OF THE FIR IN CRIME NO.890/2014 OF TANUR
POLICE STATION, MALAPPURAM DISTRICT ALONG WITH
THE COMPLAINT.**
- ANNEXURE A2 : TRUE COPY OF CHARGE IN C.C.NO.2443/2014 ON THE FILES
OF JUDICIAL FIRST CLASS MAGISTRATE COURT I,
PARAPPANANGADI.**
- ANNEXURE A3 : TRUE COPY OF THE AGREEMENT DATED 12.06.2015 ENTERED
INTO BETWEEN THE 1ST PETITIONER AND 2ND RESPONDENT.**
- ANNEXURE A4 : AFFIDAVIT SWORN BY THE 2ND RESPONDENT DATED 10.08.2015.**

RESPONDENT(S)' ANNEXURES :- NIL

//TRUE COPY//

P.A. TO JUDGE

rkj

P.UBAID, J.

=====
Crl.M.C.No.6541 of 2015
=====

Dated this the 7th day of October, 2015

ORDER

The petitioners herein are the three accused in C.C.No.2443 of 2014 of the Judicial First Class Magistrate Court-I, Parappanangadi. 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 406 and 498(A) read with Section 34 of the Indian Penal Code on the complaint of one Sameera, who is the 2nd 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, and that the marriage stands dissolved. The affidavit also shows that the victim has received all her dues from her husband, and that she has no complaint or grievance. All her claims stand settled. 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.2443 of 2014 of the Judicial First Class Magistrate Court-I, Parappanangadi. 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