

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 8TH DAY OF OCTOBER 2015/16TH ASWINA, 1937

Crl.MC.No. 6576 of 2015

CC 917/2015 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, OTTAPPALAM

CRIME NO. 1166/2014 OF CHERUPULASSERY POLICE STATION, PALAKKAD

PETITIONERS/ACCUSED NO.1 TO 3 :-

- 1. ABDUL SALAM, AGED 25 YEARS,
S/O.MUHAMMEDALI, MELATHIL VEEDU,
PULAKKODE, NELLAYA, CHERPULASSERY,
PALAKKAD DISTRICT.**
- 2. MUHAMMEDALI, AGED 52 YEARS,
S/O.AZIZ, MELATHIL VEEDU,
PULAKKODE, NELLAYA, CHERPULASSERY,
PALAKKAD DISTRICT.**
- 3. SULAIKHA, AGED 45 YEARS, W/O.MUHAMMEDALI,
MELATHIL VEEDU, PULAKKODE, NELLAYA,
CHERPULASSERY, PALAKKAD DISTRICT.**

**BY ADVS.SRI.K.B.ARUNKUMAR
SRI.RANJIT BABU**

RESPONDENTS/STATE AND DEFACTO COMPLAINANT :-

- 1. STATE OF KERALA,
REPRESENTED THROUGH THE
SUB INSPECTOR OF POLICE,
CHERPULASSERY POLICE STATION,
PALAKKAD DISTRICT, REPRESENTED BY
THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM,
PIN - 682 031.**
- 2. JASMINE A.T., AGED 20 YEARS,
D/O.MUHAMMED MUSTHAFI,
AVOOJIKKADU THAZHATHETHIL VEEDU,
MARAYAMANGALAM SOUTH,
OTTAPALAM TALUK,
PALAKKAD DISTRICT, PIN - 679 335.**

**R1 BY SRI.JUSTIN JACOB, PUBLIC PROSECUTOR
R2 BY ADV. SRI.PRATHEESH.P**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 08-10-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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APPENDIX

PETITIONER(S)' ANNEXURES :-

**ANNEXURE - 1 : THE CERTIFIED COPY OF THE FIR IN CRIME NO.1166/2014 OF
CHERUPULASSERY POLICE STATION.**

**ANNEXURE - 2 : THE CERTIFIED COPY OF THE FINAL REPORT IN C.C.NO.917/2015
NOW PENDING ON THE FILE OF THE JUDICIAL FIRST CLASS
MAGISTRATE COURT, OTTAPALAM.**

**ANNEXURE - 3 : THE AFFIDAVIT DATED 30.09.2015 EXECUTED BY THE 2ND
RESPONDENT.**

RESPONDENT(S)' ANNEXURES :- NIL

//TRUE COPY//

P.A. TO JUDGE

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P.UBAID, J.

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Crl.M.C.No.6576 of 2015
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Dated this the 8th day of October, 2015

ORDER

The petitioners herein are the three accused in C.C.No.917 of 2015 of the Judicial First Class Magistrate Court, Ottapalam. A prosecution involving the offence under Section 498(A)IPC is sought to be quashed under Section 482 Cr.P.C. on the ground of amicable settlement between the parties out of Court. The crime was registered under Sections 498(A), 406, 323 and 341 IPC, but the police submitted final report only under Section 498(A) IPC. The crime was registered on the complaint of one Jasmine, 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.

In the result, this petition is allowed. The prosecution against the petitioners herein in C.C.No.917 of 2015 of the Judicial First Class Magistrate Court, Ottapalam 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