

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. 6586 of 2015 ()

**C.C.NO. 2892/2012 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, TIRUR
CRIME NO. 1195/2012 OF TIRUR POLICE STATION , MALAPPURAM**

PETITIONER/ACCUSED IN C.C.2892/2012 OF JMFC,TIRUR:

**MUHAMMED SHAFI, AGED 36 YEARS, S/O. FATHIMA,
RESIDING AT SOORPIL HOUSE, KARATHUR,
CODAKAL P.O., MALAPPURAM – 676 108.**

**BY ADVS.SRI.NIRMAL V NAIR
SRI.ANEESH JOSEPH
SRI.RILGIN V.GEORGE
SRI.LIJO VARGHESE**

RESPONDENT(S):

- 1. SABIRA, D/O. BEERAN, AGED 29 YEARS, RESIDING AT VETTIKATTIL
HOUSE, CHAMRAVATTOM P.O., MALAPPURAM – 676 102.**
- 2. STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR, HIGH
COURT OF KERALA, ERNAKULAM – 682 031.**

**R1 BY ADV. SRI.RAHUL SASI
R2 BY PUBLIC PROSECUTOR SRI. JUSTIN JACOB**

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

**The lower court case number 'C.C.No.2892/2012' Occurring in the
cause title of final order dated 8.10.2015 in Crl.M.C.No.6586/2015 is
corrected and substituted as 'L.P.C.No.64/2014' as per order dated
7.1.2016 in Crl.M.A.No.11787/2015 in Crl.M.C.No.6586/2015.**

**Sd/-
ASSISTANT REGISTRAR**

Crl.MC.No. 6586 of 2015 ()

APPENDIX

PETITIONER(S)' ANNEXURE:

**ANNEXURE A1: A TRUE COPY OF THE FIR IN CRIME NO. 1195/2012 OF THE
 TIRUR POLICE STATION.**

**ANNEXURE A2: A TRUE COPY OF THE FINAL REPORT IN C.C.2892/2012 ON THE
 FILES OF THE JUDICIAL MAGISTRATE OF FIRST CLASS, TIRUR.**

ANNEXURE A3: THE AFFIDAVIT SWORN BY THE IST RESPONDENT.

RESPONDENT(S)' ANNEXURE: NIL

/TRUE COPY/

P.A. TO JUDGE

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P.UBAID, J.

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Crl.M.C.No.6586 of 2015
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Dated this the 8th day of October, 2015

ORDER

The petitioner herein is the sole accused in C.C.No.2892 of 2012 of the Judicial First Class Magistrate Court, Tirur. 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 Section 498A of the Indian Penal Code on the complaint of one Sabira, 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 decided to file a joint application for divorce, and the victim has also agreed to withdraw the other proceeding brought under the DV Act. I am satisfied that the dues also 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 petitioner herein in C.C.No.2892 of 2012 of the Judicial First Class Magistrate Court, Tirur 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.

Sd/-
P.UBAID
JUDGE

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//TRUE COPY//

P.A. TO JUDGE

“C.C.No.2892 of 2012” occurring in the first line of paragraph 1 and in the 2nd line of operative portion of the final order dated 08.10.2015 in Crl.M.C.6586/2015 is corrected and substituted as “L.P.C.No.64/2014” as per order dated 07.01.2016 in Crl.M.A.11787/2015 in Crl.M.C.6586/2015.

Sd/-
Registrar (Judicial)