

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. 6595 of 2015 ()

**C.C.NO. 1025/2015 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-II, HOSDRUG
CRIME NO. 779/2012 OF HOSDURG POLICE STATION , KASARGOD**

PETITIONER:

**T.MOHAMMED RAFI, AGED 47 YEARS,
S/O. MOHAMMED RAFI, OPPOSITE SREEKRISHNA CLINIC,
VADAKKEKOVVAL, TRIKARIPUR VILLAGE, HOSDURG TALUK.**

BY ADV. SMT.R.LEELA

RESPONDENTS/STATE & DEFACTO COMPLAINANT:

- 1. STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM – 682 031.**
- 2. AYSHA C.K., AGED 36, D/O. C.K. MOOSA, RESIDING AT KALLORAVI,
KANHANGAD VILLAGE, KANHANGAD SOUTH P.O., HOSDURG TALUK
PIN 671 101.**

**R2 BY ADV. SMT.P.I.SHAMLATH
R BY PUBLIC PROSECUTOR SMT. SHEEBA M.T.**

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

Crl.MC.No. 6595 of 2015 ()

APPENDIX

PETITIONER(S)' ANNEXURE:

**ANNEXURE-A1: CERTIFIED COPY OF THE FIR IN CRIME NO. 779/2012 OF
HOSDURG POLICE STATION DATED 17-8-12.**

**ANNEXURE-A2: CERTIFIED COPY OF THE FINAL REPORT SUBMITTED BEFORE
THE JUDICIAL FIRST CLASS MAGISTRATE COURT-II, HOSDURG
IN C.C.NO. 1025/2015 DATED 18/10/2012**

**ANNEXURE-A3: AFFIDAVIT SWORN BY THE 2ND RESPONDENT/DEFACTO
COMPLAINANT DATED 15/9/2015.**

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.6595 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.1025 of 2015 of the Judicial First Class Magistrate Court-II, Hosdurg, Kasaragod. 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 Sections 498A and 324 of the Indian Penal Code on the complaint of one Aysha C.K., 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, and I am satisfied that the parties are now on quite cordial terms. 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 she has joined her husband in matrimony in terms of the settlement. It is submitted that she is now leading a very happy matrimony with her husband. 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.1025 of 2015 of the

Judicial First Class Magistrate Court-II, Hosdurg, Kasaragod 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