

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 15TH DAY OF OCTOBER 2015/23RD ASWINA, 1937

Cr1.MC.No. 6603 of 2015

CRIME NO. 311/2015 OF PUDUNAGARAM POLICE STATION, PALAKKAD

PETITIONER/DE-FACTO COMPLAINANT:

SAJNA, AGED 24 YEARS,
D/O. NAZAR, RESIDING AT DOOR NO.101 B,
PITTUPEEDIKA HOUSE,
KODUVAYUR P.O., PALAKKAD-678 501.

BY ADV. SRI.NIRMAL. S

RESPONDENTS/ACCUSED 1 TO 4 & STATE :

1. K.ABU HASSAN, AGED 33 YEARS,
S/O. S.KHOYA, PUTTUNDA HOUSE, PLAPPULLY,
PERUNGOTTUKURUSSEI POST, PALAKKAD-678 573.
2. KHOIU, AGED 65 YEARS,
S/O. SAIDALI, DOOR NO.42/152-407, MALISH LANE,
RAMCHAND, KOTHAGIRI, THE NILGIRIS,
TAMIL NADU-643 217.
3. NABEESA, AGED 53 YEARS,
W/O. KHOIU, DOOR NO.42/152-407, MALISH LANE,
RAMCHAND, KOTHAGIRI, THE NILGIRIS,
TAMIL NADU-643 217.
4. SULEKHA, AGED 35 YEARS,
THOTTATHPARAMBIL HOUSE, SATHRAM STREET,
PUDUNAGARAM-680 001.
5. THE STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682 031.

R1-R4 BY ADV. SRI.P.K.NIJOY

R5 BY PUBLIC PROSECUTOR SMT.SHEEBA M.T

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 15-10-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

Cr1.MC.No. 6603 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE A1 : COPY OF THE FIR NO.311/15 DTD.23.3.2015.

ANNEXURE A2 : COPY OF THE FINAL REPORT NO.632/15
DTD.12.6.2015.

ANNEXURE A3 : COPY OF THE ORDER IN WP(CRL) NO.226/15
DTD.30.6.2015.

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.6603 of 2015

Dated this the 15th day of October, 2015

O R D E R

The defacto complainant in C.C No.1561/2015 of the Judicial First Class Magistrate Court, Chittur seeks orders quashing the prosecution on the ground of amicable settlement of the dispute between her and the accused. The offence involved in the case is under Section 498A of the Indian Penal Code. The police registered the crime on the complaint made by the petitioner herein. The accused, who are the respondents 1 to 4 herein are the husband and the in-laws. She has now come to terms with her husband and the in-laws and the whole matrimonial dispute stands resolved forever. It is submitted that the petitioner has joined her husband in matrimony in terms of the settlement, and that now they are leading a very happy married life.

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 the prosecution 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. The case number furnished by the petitioner was accepted and recorded as part of the proceedings, on Crl.M.A No.9962/2015.

In the result, this petition is allowed. The prosecution against the respondents 1 to 4 in C.C No.1561/2015 of the Judicial First Class Magistrate Court, Chittur will stand quashed under Section 482 of the Code of Criminal Procedure.

**Sd/-
P.UBAID
JUDGE**

//True Copy//

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P.Ato Judge