

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 9TH DAY OF OCTOBER 2015/17TH ASWINA, 1937

Cr1.MC.No. 6610 of 2015

IN C.C 2711/2014 OF THE JUDICIAL FIRST CLASS MAGISTRATE
COURT-II, KOLLAM
CRIME NO. 1260/2013 OF ERAVIPURAM POLICE STATION, KOLLAM

PETITIONERS/ACCUSED:

1. SAVAD HASSAN, AGED 32 YEARS,
S/O.HASSAN KUNJU, SHAFEEK MANZIL, SAMSAM NAGAR 39,
KAYYALAKKAL CHERRY, ERAVIPURAM VILLAGE,
KOLLAM DISTRICT
2. HASSAN KUNJU, AGED 74 YEARS,
S/O.KOYAKUTTY, SHAFEEK MANZIL, SAMSAM NAGAR 39
KAYYALAKKAL CHERRY, ERAVIPURAM VILLAGE,
KOLLAM DISTRICT
3. FATHIMA BEEVI, AGED 63 YEARS,
W/O.HASSAN KUNJU, SHAFEEK MANZIL, SAMSAM NAGAR 39,
KAYYALAKKAL CHERRY, ERAVIPURAM VILLAGE
KOLLAM DISTRICT

BY ADVS.SRI.K.SIJU
SMT.S.SEETHA

RESPONDENTS/COMPLAINANT & STATE:

1. STATE OF KERALA
REPRESENTED BY SUB INSPECTOR OF POLICE,
ERAVIPURAM POLICE STATION THROUGH PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031
2. THASLI, AGED 26 YEARS,
D/O. SEENATH BEEVI, THASLI MANZIL, MALIKAVAYAL,
BHARATH NAGAR, 153, VADAKKEVILA PO,
THEKKEVILA CHERI, KOLLAM DISTRICT - 691 331.

R2 BY ADV. SRI.A.MUHAMMED RAFFI
R1 BY PUBLIC PROSECUTOR SRI.JUSTIN JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 09-10-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

Cr1.MC.No. 6610 of 2015

APPENDIX

PETITIONERS' ANNEXURES:

ANNEXURE 1:THE COPY OF FIR IN CRIME NO.1260/2013 OF ERAVIPURAM
POLICE STATION, ALONG WITH THE PRIVATE COMPLAINT

ANNEXURE 2:THE COPY OF FINAL REPORT IN CRIME NO.1260/2013 OF
ERAVIPURAM POLICE STATION

ANNEXURE 3:THE AFFIDAVIT SWORN BY THE 2ND RESPONDENT/DEFACTO
COMPLAINANT REGARDING COMPROMISE DATED 05.10.2015

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

ab

P.UBAID, J.

Crl.M.C No.6610 of 2015

Dated this the 9th day of October, 2015

O R D E R

The petitioners herein are the three accused in C.C No.2711/2014 of the Judicial First Class Magistrate Court II, Kollam. 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 Section 498A and 323 of the Indian Penal Code on the complaint of one Thasli who is the second respondent in this proceeding brought under Section 482 of the Code of Criminal Procedure. The victim's affidavit shows that the whole matrimonial dispute stands resolved forever, that the parties have decided to part ways in terms of the settlement, and that the victim's claims also stand settled. In such a situation, it is appropriate that the prosecution be quashed.

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.

In the result, this petition is allowed. The prosecution against the petitioners herein in C.C No.2711/2014 of the Judicial First Class Magistrate Court II, Kollam 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**

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