

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

Crl.MC.No. 6611 of 2015

IN C.C NO.858/2015 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT,
PARAPPANANGADI
CRIME NO. 498/2012 OF THIRURANGADI POLICE STATION, MALAPPURAM

PETITIONER/ACCUSED:

MUHAMMED MUSTAFA, AGED 37 YEARS,
S/O YAHU, PUTHUVATH HOUSE,
CHETHEY, KUNDOOR P.O,
MALAPPURAM DISTRICT

BY ADVS.SRI.BABU S. NAIR

RESPONDENTS/STATE & DEFEACTO COMPLAINANT:

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1. THE STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM, KOCHI- 682031
THROUGH THE SUB INSPECTOR OF POLICE,
THIRURANGADI POLICE STATION,
MALAPPURAM DISTRICT
 2. AYISHABI, AGED 33 YEARS,
D/O. MUHAMMED, PANGAD HOUSE,
KUNDOOR P.O, NANNAMBRA,
THEYYALINGAL, MALAPPURAM DISTRICT,
PIN - 676 320

R2 BY ADV. SMT.M.LISHA

R1 BY PUBLIC PROSECUTOR SMT.SHEEBA M.T

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

Crl.MC.No. 6611 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE A: COPY OF THE MEMORANDUM OF EVIDENCE AND CHARGE IN
CRIME NO. 498/12 OF THE THIRURANGADIU POLICE STATION

ANNEXURE A: COPY OF THE AFFIDAVIT SWORN TO BY THE 2ND
RESPONDENT DATED 30/3/15

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.6611 of 2015

Dated this the 9th day of October, 2015

O R D E R

The petitioner herein is the accused in C.C No.858/2015 of the Judicial First Class Magistrate Court, Parappanangadi. 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 Ayishabi, 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, and that the victim has joined her husband in matrimony. It is also averred that she is now leading a very happy married life with the husband. 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 petitioner herein in C.C No.858/2015 of the Judicial First Class Magistrate Court, Parappanangadi 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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