

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

MONDAY, THE 12TH DAY OF OCTOBER 2015/20TH ASWINA, 1937

Crl.MC.No. 6633 of 2015

C.C.NO.170/2015 OF JUDICIAL FIRST CLASS MAGISTRATE COURT - I, MANJERI

PETITIONER/ACCUSED :-

**ABDUL AZEEZ, THULLISSERY VEEDU,
KARAD, VELLAMPURAM P.O.,
AMARAMKULAM, MALAPPURAM DISTRICT.**

**BY ADVS.SRI.K.M.MOHAMED ABDURAHIMAN
SRI.P.S.BASTIN**

RESPONDENT/COMPLAINANT & STATE :-

- 1. AYISHA, VALLIKKAPPARAMBIL HOUSE,
D/O.MOHAMED, NILAMBUR TALUK,
MALAPPURAM DISTRICT, PIN - 679 329.**
- 2. SUB INSPECTOR OF POLICE,
KALIKAVU POLICE STATION,
MALAPPURAM DISTRICT, PIN - 676 525.**
- 3. STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM - 682 031.**

**R1 BY ADV.SRI.C.T. BASHER
R BY SMT.SHEEBA M.T., PUBLIC PROSECUTOR**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 12-10-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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APPENDIX

PETITIONER(S)' ANNEXURES :-

- ANNEXURE A : TRUE COPY OF CHARGE SHEET DATED 29.12.2014 IN CRIME NO.411/2014 OF KALIKAVU POLICE STATION, MALAPPURAM DISTRICT.**
- ANNEXURE B : TRUE COPY OF F.I.R. DATED 19.11.2014 IN CRIME NO.411/2014 OF KALIKAVU POLICE STATION, MALAPPURAM DISTRICT.**
- ANNEXURE C : AFFIDAVIT DATED 10.10.2015 OF DEFACTO COMPLAINANT/ RESPONDENT NO.1 STATING THE WHOLE MATTER OF SETTLEMENT.**

RESPONDENT(S)' ANNEXURES :- NIL

//TRUE COPY//

P.A. TO JUDGE

rkj

P.UBAID, J.

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Crl.M.C.No.6633 of 2015
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Dated this the 12th day of October, 2015

ORDER

The petitioner herein is the first accused in C.C.No.170 of 2015 of the Judicial First Class Magistrate Court-I, Manjeri. 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 406, and 498(A) read with Section 34 of the Indian Penal Code on the complaint of one Ayisha, 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, and that her claims also stand settled. It submitted that the parties have parted ways in terms of the settlement.

In the result, this petition is allowed. The prosecution against the petitioner alone herein in C.C.No.170 of 2015 of the Judicial First Class Magistrate Court-I, Manjeri 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 them will stand discharged.

rkj

Sd/-
P.UBAID
JUDGE

//TRUE COPY//

P.A. TO JUDGE