

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE P.UBAID**

**TUESDAY, THE 13TH DAY OF OCTOBER 2015/21ST ASWINA, 1937**

**Crl.MC.No. 6661 of 2015**  
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**CC 705/2015 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-I, MANJERI**

**CRIME NO. 226/2015 OF KALIKAVU POLICE STATION, MALAPPURAM**

**PETITIONERS/ACCUSED :-**  
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1. NURUSSAMAN, AGED 30 YEARS,  
S/O.ABDURAHIMAN, KUNNUMMAL HOUSE,  
AMBALAPPADI, MELE KALIKAVU P.O.,  
MALAPPURAM DISTRICT.
2. SAINABA, AGED 55 YEARS,  
W/O.ABDURAHIMAN, KUNNUMMAL HOUSE,  
AMBALAPPADI, MELE KALIKAVU P.O.,  
MALAPPURAM DISTRICT.
3. LAILA, AGED 30 YEARS,  
D/O.ABDURAHIMAN, KUNNUMMAL HOUSE,  
AMBALAPPADI, MELE KALIKAVU P.O.,  
MALAPPURAM DISTRICT.

**BY ADV. SRI.P.SAMSUDIN**

**RESPONDENTS/STATE AND DEFACTO-COMPLAINANT :-**  
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1. STATE OF KERALA,  
REPRESENTED BY THE PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, ERNAKULAM - 682 031.

**(CRIME NO.226/2015 OF KALIKAVU POLICE STATION IN MALAPPURAM DISTRICT).**

2. THAJUNNISSA, AGED 30 YEARS,  
W/O. NURUSSAMAN, KUNNUMMAL HOUSE,  
AMBALAPPADI, MELE KALIKAVU P O - 676 525,  
MALAPPURAM DISTRICT.

**R1 BY SMT.SHEEBA M.T., PUBLIC PROSECUTOR**  
**R2 BY ADV. SRI.K.C.ANTONY MATHEW**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION  
ON 13-10-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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**Crl.MC.No. 6661 of 2015**  
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**APPENDIX**

**PETITIONER(S)' ANNEXURES :-**  
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**ANNEXURE A1 : CERTIFIED COPY OF FINAL REPORT IN CRIME NO.226/2015  
KALIKAVU POLICE STATION.**

**ANNEXURE A2 : THE AFFIDAVIT SWORN IN BY 2ND RESPONDENT DATED  
01.10.2015.**

**RESPONDENT(S)' ANNEXURES :- NIL**  
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**//TRUE COPY//**

**P.A. TO JUDGE**

**rkj**

**P.UBAID, J.**

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**Crl.M.C.No.6661 of 2015**  
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Dated this the 13<sup>th</sup> day of October, 2015

**ORDER**

The petitioners herein are the three accused in C.C.No.705 of 2015 of the Judicial First Class Magistrate Court-I, Manjeri. 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 Sections 498A and 406 under Section 34 of the Indian Penal Code on the complaint of one Thajunnissa, who is the 2<sup>nd</sup> 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 she has joined her husband in matrimony. Now, they are leading a very happy matrimony. In such a situation, it is appropriate that the prosecution be quashed.

In the result, this petition is allowed. The prosecution against the petitioners herein in C.C.No.705 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 petitioners will stand released from prosecution, and the bail bond, if any, executed by them will stand discharged.

Sd/-  
**P.UBAID**  
**JUDGE**

rkj

//TRUE COPY//

P.A. TO JUDGE