

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. 6667 of 2015

CC 3543/2014 OF JUDICIAL FIRST CLASS MAGISTRATE, THALASSERY

CRIME NO. 510/2014 OF CHOKKLI POLICE STATION, KANNUR

PETITIONER/ACCUSED :-

**MUHAMMED AJEER, S/O.ABOOBACKER,
AGED 26 YEARS, KOLLERI KANDIYIL,
PERINGALAM AMSOM, ANIYARAM DESOM,
KANNUR DISTRICT.**

BY ADV. SRI.P.NANDAKUMAR

RESPONDENT/DEFACTO COMPLAINANT/STATE :-

- 1. SHAMLEENA, D/O.ISMAIL, AGED 19 YEARS,
VALLUPARAMBATH, THALASSERY TALLUK,
PANUR AMSOM, KANNUR DISTRICT - 670 101.**
- 2. SUB INSPECTOR OF POLICE,
CHOKKLI POLICE STATION - 670 672.**
- 3. STATE REP; BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**

**R1 BY ADV. SRI.CIBI THOMAS
R BY SMT. SHEEBA M.T., PUBLIC PROSECUTOR**

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

rkj

Crl.MC.No. 6667 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES :-

**ANNEXURE I : TRUE COPY OF THE CHARGE IN CR.NO.510/2014 OF CHOKKLI
POLICE STATION.**

**ANNEXURE II : TRUE COPY OF THE AGREEMENT ENTERED INTO BETWEEN
THE PETITIONER AND 1ST RESPONDENT.**

**ANNEXURE III : TRUE COPY OF THE AFFIDAVIT SWORN IN BY THE 1ST
RESPONDENT.**

RESPONDENT(S)' ANNEXURES :- NIL

//TRUE COPY//

P.A.TO JUDGE

rkj

P.UBAID, J.

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Crl.M.C.No.6667 of 2015
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Dated this the 13th day of October, 2015

ORDER

The petitioner herein is the sole accused in C.C.No.3543 of 2014 of the Judicial First Class Magistrate Court, Thalassery. 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 Shamleena, 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 read along with the Annexure-2 agreement shows that the whole matrimonial dispute stands resolved forever, that the marriage stands dissolved, and that the victim has received all her dues from the husband. In such a situation, it is appropriate that the prosecution be quashed.

In the result, this petition is allowed. The prosecution against the petitioner herein in C.C.No.3543 of 2014 of the Judicial First Class Magistrate Court, Thalassery 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

rkj

//TRUE COPY//

P.A. TO JUDGE