

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. 6686 of 2015 ()

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CC 715/2015 of JUDICIAL FIRST CLASS MAGISTRATE COURT,TIRUR
CRIME NO. 271/2015 OF KUTTIPURAM POLICE STATION , MALAPPURAM DISTRICT
=====**

PETITIONERS/A1 TO A3:

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- 1. ABDUL RAZAQ, AGED 25 YEARS
S/O.BEERAVUNNI, VALAVATHU HOUSE, VELLANCHERRY DESOM
THRIKKANNAPURAM, PONNANI TALUK, MALAPPURAM DISTRICT.**
 - 2. FATHIMA, AGED 46 YEARS, W/O.BEERAVUNNI, VALAVATHU HOUSE,
VELLANCHERRY DESOM, THRIKKANNAPURAM, PONNANI TALUK,
MALAPPURAM DISTRICT.**
 - 3. ABDUL SALEEM, AGED 30 YEARS, S/O. BEERAVUNNI
VALAVATHU HOUSE, VELLANCHERRY DESOM
THRIKKANNAPURAM, PONNANI TALUK, MALAPPURAM DISTRICT.**

BY ADV. SRI.SHAJIN S.HAMEED

RESPONDENTS/STAT & CW1:

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- 1. STATE OF KERALA
REPRESENTED BY THE SI OF POLICE
KUTTIPPURAM POLICE STATION
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM, PIN-682 031.**
 - 2. JAMSEELA, AGED 21 YEARS
D/O.MUHAMMED KUTTY, PARAMMAL HOUSE, AYINKKALAM P.O.
THAVANNOOR, MALAPPURAM DISTRICT-679102.**
- R2 BY ADV. SRI.HRITHWIK
R1 BY PUBLIC PROSECUTOR SRI. JUSTIN JACOB**

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

Crl.MC.No. 6686 of 2015 ()

APPENDIX

PETITIONERS' EXHIBITS

**ANNEXURE-A. CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO.271/2015 OF
KUTTUPPURAM POLICE STATION.**

ANNEXURE-B. AFFIDAVIT EXECUTED BY THE 2ND RESPONDENT/CW1.

RESPONDENTS' EXHIBITS

NIL

TRUE COPY

P.A. TO JUDGE

SD

P. UBAID, J.

Crl.M.C.No.6686 of 2015

Dated this the 13th day of October, 2015

O R D E R

The petitioner herein is the accused in C.C.No.715/2015 of the Judicial First Class Magistrate Court, Tirur. 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 366 A IPC on the complaint of one Jamseela, who is the 2nd 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. Her affidavit shows that the whole matrimonial dispute stands resolved forever, that the marriage stands dissolved, and that the victim has received her dues from her 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 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.

In the result, this petition is allowed. The prosecution against the petitioner herein in C.C.No.715/2015 of the Judicial First Class Magistrate Court, Tirur 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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