

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 15TH DAY OF OCTOBER 2015/23RD ASWINA, 1937

Cr1.MC.No. 6737 of 2015

IN CC 999/2014 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT
I, ALUVA

CRIME NO. 1665/2013 OF ALUVA EAST POLICE STATION, ERNAKULAM

PETITIONERS/ACCUSED 1 TO 3:

1. PAREETHU PILLA @ SHIHAB, AGED 34 YEARS,
S/O.MARAKKAR, AAYATHUVEETIL, NAD P.O,
MANALIMUKKU, ALUVA, ERNAKULAM DISTRICT-683563.
2. MARAKKAR, AGED 67 YEARS,
S/O.MEETHIYAN, AAYATHUVEETIL, NAD P.O,
MANALIMUKKU, ALUVA, ERNAKULAM DISTRICT-683563.
3. PATHU, AGED 62 YEARS,
W/O.MARAKKAR, AAYATHUVEETIL, NAD P.O,
MANALIMUKKU, ALUVA, ERNAKULAM DISTRICT-683563.

BY ADVS.SRI.K.S.MOHAMED HASHIM
SMT.CAROLIN SINDHU VAZ

RESPONDENTS/COMPLAINANT/DEFACTO COMPLAINANT:

1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM -682 031.
2. NADEERA, AGED 26 YEARS,
D/O.ABDUL RAHIMAN, NADUPARAMBIL, MANAKKAPADY,
ASOKAPURAM, ALUVA, ERNAKULAM - 683 501.

R2 BY ADV. SRI.SIMON THOMAS
R2 BY ADV. SMT.ANGELY CHERIAN
R1 BY PUBLIC PROSECUTOR SMT.SHEEBA M.T

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 15-10-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

Cr1.MC.No. 6737 of 2015

APPENDIX

PETITIONERS' ANNEXURES:

ANNEXURE 1. COPY OF FIR IN CRIME NO.1665/2003 REGISTERED
AGAINST THE PETITIONERS.

ANNEXURE 11. COPY OF CHARGE SHEET IN CRIME NO.1665/2003
SUBMITTED BY THE SUB INSPECTOR OF POLICE, ALUVA EAST POLICE
STATION.

ANNEXURE III. COPY OF THE AFFIDAVIT DATED 21.2.14 SWORN BY THE
2ND RESPONDENT.

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.6737 of 2015

Dated this the 15th day of October, 2015

O R D E R

The petitioners herein are the three accused in C.C No.999/2014 of the Judicial First Class Magistrate Court I, Aluva. 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 406, 417, 420 and 498A r/w 34 of the Indian Penal Code on the complaint of one Nadeera, 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.

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 further 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. The victim's affidavit shows that the whole matrimonial dispute stands resolved forever, and that the marriage stands dissolved. I am satisfied that all the dues also stand settled amicably. 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.999/2014 of the Judicial First Class Magistrate Court I, Aluva 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.

**P.UBAID
JUDGE**

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