

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 20TH DAY OF OCTOBER 2015/28TH ASWINA, 1937

Crl.MC.No. 6805 of 2015

CC 2003/2010 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-II, KOLLAM

CRIME NO. 605/2009 OF ERAVIPURAM POLICE STATION, KOLLAM

PETITIONER(S)/PETITIONERS/ACCUSED :-

- 1. KABEER, AGED 33 YEARS,
S/O ABDUL KAREEM, A.K. HOSUE, GANDHI NAGAR-25
AYATHIL P.O., VADAKKEVILA, KOLLAM.**
- 2. KHADEEJA BEEVI, AGED 71 YEARS,
W/O ABDUL KAREEM, A.K. HOUSE, GANGHI NAGAR-25
AYATHIL P.O., VADAKKEVILA, KOLLAM.**
- 3. SHANIBHA, D/O.KHADEEJA BEEVI, AGED 31 YEARS,
A.K. HOUSE, GANGHI NAGAR-25
AYATHIL P.O., VADAKKEVILA, KOLLAM.**
- 4. MUHAMMED HUSSAIN, S/O.ABDUL KAREEM, AGED 49 YEARS,
A.K. HOUSE, GANGHI NAGAR-25
AYATHIL P.O., VADAKKEVILA, KOLLAM.**

**BY ADVS.SRI.SIJU KAMALASANAN
SMT.S.SEETHA**

RESPONDENT(S)/COMPLAINANT & STATE :-

- 1. STATE OF KERALA,
REPRESENTED BY SUB INSPECTOR OF POLICE,
ERAVIPURAM POLICE STATION THROUGH
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.**
- 2. SABITHA, D/O.SULBATH, AGED 29 YEARS,
KUNNEL VEEDU, AYATHIL P.O., KOLLAM.**

**R2 BY ADV. SRI.A.MUHAMMED RAFFI
R1 BY SMT.M.T.SHEEBA, PUBLIC PROSECUTOR**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
20-10-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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APPENDIX

PETITIONER(S)' ANNEXURES :-

**ANNEXURE 1 : THE COPY OF FIR IN CRIME NO.605/2009 OF ERAVIPURAM POLICE
STATION ALONG WITH THE PRIVATE COMPLAINT.**

**ANNEXURE 2 : THE COPY OF FINAL REPORT IN CRIME NO. 605/2009 OF
ERAVIPURAM POLICE STATION.**

**ANNEXURE 3 : THE AFFIDAVIT SWORN BY THE 2ND RESPONDENT/DE-FACTO
COMPLAINANT REGARDING COMPROMISE DATED 14.10.2015.**

RESPONDENT(S)' ANNEXURES :- NIL

//TRUE COPY//

P.A. TO JUDGE

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P.UBAID, J.

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Crl.M.C.No.6805 of 2015
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Dated this the 20th day of October, 2015

ORDER

The petitioners herein are the four accused in C.C.No.2003 of 2010 of the Judicial First Class Magistrate Court-II, Kollam. 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 420 read with Section 34 of the Indian Penal Code on the complaint of one Sabitha, 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 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 settled, and the victim has joined her husband in matrimony. It is submitted that they are now leading a very happy married life. 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.2003 of 2010 of the Judicial First Class Magistrate Court-II, Kollam 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**

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//TRUE COPY//

P.A. TO JUDGE