

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. 6807 of 2015

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CC 284/2014 of J.M.F.C.-II, PERINTHALMANNA**

CRIME NO. 59/2014 OF MANKADA POLICE STATION, MALAPPURAM

PETITIONER(S)/ACCUSED:

- 1. YOUNUS, AGED 30 YEARS,
S/O.MUHAMMADALI, ELIKKOTTIL HOUSE, VERUMPILLIKKAL,
KARKKIDAGAM, KADANNAMANNA PO, PIN-679 324.**
- 2. PATHUMMAKUTTY @ FATHIMA SUHARA, AGED 46 YEARS,
W/O.MUHAMMADALI, ELIKKOTTIL HOUSE, VERUMPILLIKKAL,
KARKKIDAGAM, KADANNAMANNA PO, PIN-679 324.**
- 3. ASMIYA, AGED 20 YEARS,
D/O.MUHAMMADALI, ELIKKOTTIL HOUSE, VERUMPILLIKKAL,
KARKKIDAGAM, KADANNAMANNA PO, PIN-679 324.**
- 4. MUHAMMADALI, AGED 55 YEARS,
S/O.ABDU HAJI, ELIKKOTTIL HOUSE, VERUMPILLIKKAL,
KARKKIDAGAM, KADANNAMANNA PO, PIN-679 324.**
- 5. ANU THASNI, AGED 24 YEARS,
D/O.MUHAMMADALI, ELIKKOTTIL HOUSE, VERUMPILLIKKAL,
KARKKIDAGAM, KADANNAMANNA PO, PIN-679 324**

BY ADV. SRI.K.DILIP

RESPONDENT(S) :-

- 1. THE SUB INSPECTOR OF POLICE, MANKADA POLICE STATION,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.**
- 2. FAHMIDA JASMIN P.K., AGED 21 YEARS,
D/O.MUHAMMADALI, POTTANKANDATHIL HOUSE, VELLILA PO,
NERAVU, KADANNAMANNA, PERINTHALMANNA TALUK,
MALAPPURAM DISTRICT, PIN-679 324.**

R2 BY ADV. SRI.MAHBOOB ARUVEETIL

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 I - A TRUE COPY OF THE COMPLAINT FILED BY THE 2ND
RESPONDENT BEFORE THE 1ST RESPONDENT DATED
27.01.2014.**

**ANNEXURE II - A TRUE COPY OF THE FIR FILED IN CRIME NO.59/2014 DATED
10.12.2014.**

**ANNEXURE III - A TRUE COPY OF THE FINAL REPORT FILED IN C.C.NO..284/14 ON
THE FILE OF THE CHIEF JUDICIAL MAGISTRATE COURT-II,
PERINTHALMANNA DATED 15.03.2014.**

**ANNEXURE IV - A TRUE COPY OF THE AGREEMENT ATTESTED BY NOTARY
PUBLIC AND ENTERED INTO BETWEEN THE FIRST PETITIONER
AND THE 2ND RESPONDENT DATED 13.10.2015.**

**ANNEXURE V - A TRUE COPY OF THE AFFIDAVIT SWORN BY THE 2ND
RESPONDENT/DE FACTO COMPLAINANT DATED 16.10.2015.**

RESPONDENT(S) ANNEXURES :- NIL

//TRUE COPY//

P.A. TO JUDGE

rkj

P.UBAID, J.

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Crl.M.C.No.6807 of 2015

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Dated this the 20th day of October, 2015

ORDER

The petitioners herein are the five accused in C.C.No.284 of 2014 of the Judicial First Class Magistrate Court-II, Perinthalmanna. 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 Section 498A and read with Section 34 of the Indian Penal Code on the complaint of one Fahmida Jasmin P.K., 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 resolved forever, and the parties have parted ways in terms of the settlement. The victim's claim also stands settled. 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.284 of 2014 of the Judicial First Class Magistrate Court-II, Perinthalmanna 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