

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. 6809 of 2015

CC 1114/2014 of J.M.F.C. - I, CHALAKUDY

CRIME NO. 1852/2013 OF MALA POLICE STATION, THRISSUR

PETITIONER(S)/ACCUSED 1 TO 5 :-

1. MUHAMMED, AGED 52 YEARS,
S/O.MUDAVANKATTIL ALIYAR, THEKKUMURI DESOM,
PUTHENCHIRA PO, THRISSUR DISTRICT.
2. KUNJI BEEVATHU, AGED 60 YEARS,
D/O.ALIYAR, MUDAVANKATTIL HOUSE, THEKKUMURI DESOM,
PUTHENCHIRA PO, THRISSUR DISTRICT.
3. SUBAIDA, AGED 53 YEARS,
W/O.ABOOBACKER, PAITHARAPALLY HOUSE, THEKKUMURI DESOM,
PUTHENCHIRA PO, THRISSUR DISTRICT.
4. SUHARA, AGED 45 YEARS,
W/O.ABDUL KHADER, MAMPRA HOUSE,
NOW RESIDING AT THEKKUMURI DESOM, PUTHENCHIRA PO,
THRISSUR DISTRICT.
5. NAVAS, AGED 35 YEARS,
S/O.MUHAMMED, MUDAVANKATTIL HOUSE, THEKKUMURI DESOM,
PUTHENCHIRA PO, THRISSUR DISTRICT.

BY ADVS.SRI.M.H.HANIL KUMAR
SMT.M.R.JAYALATHA
SRI.A.P.VASAVAN

RESPONDENT(S)/COMPLAINANT/STATE :-

1. RAZIYA @ RASIYA, AGED 40 YEARS,
D/O.PUTHIYAVEETIL MUHAMMED ALI, VALAPAD DESOM,
VALAPAD PO, CHAVAKKAD,
THRISSUR DISTRICT-680 567(DEFACTO COMPLAINANT)
2. SUB INSPECTOR OF POLICE,
MALA POLICE STATION, THRISSUR,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, COCHIN-682031.
3. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, COCHIN-682031.

R1 BY ADVS. SRI.M.R.DHANIL
SMT.P.SREESHA
R3 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 A1 : A CERTIFIED COPY OF THE FIR IN CRIME NO.1852 OF 2013 ON THE FILES OF THE MALA POLICE STATION.

ANNEXURE A2 : A CERTIFIED COPY OF THE FINAL REPORT IN C.C.NO.1114/2014 ON THE FILES OF THE JFCM COURT, CHALAKUDY.

ANNEXURE A3 : A CERTIFIED COPY OF THE DECREE DT. 26.05.2015 OF THE FAMILY COURT, THRISSUR IN O.P.NO.2190 OF 2012.

ANNEXURE A4 : A TRUE COPY OF THE STATEMENT FILED BY THE 1ST RESPONDENT IN O.P.NO.2190/2012 ON THE FILES OF FAMILY COURT, THRISSUR.

ANNEXURE A5 : A TRUE COPY OF THE AGREEMENT DATED 15.05.2015 EXECUTED BETWEEN THE 1ST PETITIONER AND THE 1ST RESPONDENT.

ANNEXURE A6 : THE ORIGINAL AFFIDAVIT DATED 15.5.2015 SWORN 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.6809 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.1114 of 2014 of the Judicial First Class Magistrate Court-I, Chalakudy. 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 406 of the Indian Penal Code on the complaint of one Raziya, 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 shows that the whole matrimonial dispute stands resolved forever. The Annexure -A4, copy of the joint statement shows that the marriage stands dissolved in terms of the settlement arrived at, and that all the claims of the victim as a divorced woman stand settled appropriately. 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.1114 of 2014 of the Judicial First Class Magistrate Court-I, Chalakudy 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