

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 21ST DAY OF OCTOBER 2015/29TH ASWINA, 1937

Crl.MC.No. 6834 of 2015

CC NO.2779/2014 of J.M.F.C.-I,HOSDRUG

CRIME NO. 459/2014 OF CHANDERA POLICE STATION , KASARAGOD

PETITIONER/ACCUSED :-

- 1. SAHEER MOULAKIRIYATH, AGED 35 YEARS,
S/O.ABOOBACKER T., RASHEEDA HOUSE,
NELLIKKAL, P.O. THURUTHI, CHERUVATHUR,
KASARGOD DISTRICT.**
- 2. AMINA MOULAKIRIYATH, AGED 56 YEARS,
W/O.ABOOBACKER T., RASHEEDA HOUSE,
NELLIKKAL, P.O. THURUTHI, CHERUVATHUR,
KASARGOD DISTRICT.**
- 3. RASEENA MOULAKIRIYATH, D/O.ABOOBACKER T.,
RASHEEDA HOUSE,
NELLIKKAL, P.O. THURUTHI, CHERUVATHUR,
KASARGOD DISTRICT.**

**BY ADVS.SRI.K.R.AVINASH (KUNNATH)
SRI.ABDUL RAOOF PALLIPATH**

RESPONDENT(S)/DEFACTO COMPLAINANT & STATE :-

- 1. SHAIMA BACKER P.P., AGED 26 YEARS,
D/O.ABOOBACKER T., RESIDING AT SHAIMA MANZIL,
VALVAKKAD, P.O. ELAMBACHI,
SOUTH THRIKARIPUR VILLAGE, HOSDURG,
KASARGOD - 671 311.**
- 2. THE STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM - 682 031.**

**R1 BY ADV. SRI.U.P.BALAKRISHNAN
R2 BY SMT.M.T.SHEEBA, PUBLIC PROSECUTOR**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 21-10-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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APPENDIX

PETITIONER(S)' ANNEXURES :-

ANNEXURE 1 :- TRUE COPY OF THE FINAL REPORT IN CRIME NO

ANNEXURE 2 : TRUE COPY OF THE AFFIDAVIT SWORN BY 1ST RESPONDENT.

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.6834 of 2015
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Dated this the 21st day of October, 2015

ORDER

The petitioners herein are the three accused in C.C.No.2779 of 2014 of the Judicial First Class Magistrate Court-I, Hosdurg. 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 417 read with Section 34 of the Indian Penal Code on the complaint of one Shaima Backer P.P., 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, and I am satisfied that the parties are now on quite cordial terms. 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 victim has joined her husband in matrimony in terms of the settlement. 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.2779 of 2014 of the

Judicial First Class Magistrate Court-I, Hosdurg 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