

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. 6840 of 2015

CC 1305/2015 OF J.M.F.C.-II, ALUVA

CRIME NO. 309/2009 OF BINANIPURAM POLICE STATION, ERNAKULAM

PETITIONER(S)/ACCUSED :-

**SHABAB, AGED 34 YEARS,
S/O.MAJEED, THOPPIL HOUSE,
ELOOKKARA, KADUNGALLOOR VILLAGE,
ERNAKULAM (DIST).**

**BY ADVS.SRI.ANIL K.MOHAMMED
SRI.V.S.MANSOOR**

RESPONDENT(S)/COMPLAINANT & DEFACTO COMPLAINANT :-

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM.**
- 2. ZEENATH, W/O.ABDULKADHER,
OTTUPURATH HOUSE, ELOOKKARA,
(PRESENTLY RESIDING AT) THOPPIL PARAMBU,
ELOOKKARA, KADUNGALLOOR VILLAGE,
N.PARAVOOR TALUK, ERNAKULAM (DIST) - 683026.**

**R2 BY ADV. SRI.S.MOHAMMED AL RAFI
R1 BY 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 A : AFFIDAVIT DATED 11.08.2015 SWORN BY 2ND RESPONDENT.

**ANNEXURE B : CERTIFIED COPY OF CHARGE SHEET IN C.C.NO.1305/2015 OF
JUDICIAL FIRST CLASS MAGISTRATE COURT-II, ALUVA.**

RESPONDENT(S)' ANNEXURES :- NIL

//TRUE COPY//

P.A. TO JUDGE

rkj

P.UBAID, J.

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Crl.M.C.No.6840 of 2015
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Dated this the 21st day of October, 2015

ORDER

The petitioner herein is the sole accused in C.C.No.1305 of 2015 of the Judicial First Class Magistrate Court-II, Aluva. He seeks orders quashing the prosecution on the ground of amicable settlement of the whole dispute between him and the de facto complainant. Crime in this case was registered under Sections 447, 506(1) and 294(b) of the Indian Penal Code on the complaint of one Zeenath, 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, 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.

In the result, this petition is allowed. The prosecution against the petitioner herein in C.C.No.1305 of 2015 of the Judicial First Class Magistrate Court-II, Aluva will stand quashed under Section 482 of the Code of Criminal Procedure. Accordingly, the petitioner will stand released from prosecution, and the bail bond, if any, executed by him will stand discharged.

Sd/-

**P.UBAID
JUDGE**

rkj

//TRUE COPY//

P.A. TO JUDGE