

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 27TH DAY OF OCTOBER 2015/5TH KARTHIKA, 1937

Crl.MC.No. 6922 of 2015

CC 1291/2012 of J.M.F.C.-II, KOCHI

CRIME NO. 503/2012 OF MATTANCHERRY POLICE STATION, ERNAKULAM

PETITIONER/ACCUSED :-

**SHAFEEK, S/O.ABDUL RAHMAN,
S/O.ABDUL RAHMAN, 3/486,
KOTTAMPARACKAL, CONVENT ROAD,
OORVELI, MATTANCHERRY.**

BY ADV. SRI.L.RAJESH NARAYAN

RESPONDENT(S)/COMPLAINANT :-

- 1. SAJNA, AGED 22 YEARS,
D/O.MOOSA, PUTHUVEETIL,
KOTHAPARAMBU P.O., SN OURAM VILLAGE,
KODUNGALLUR.**
- 2. STATE OF KERALA, REPRESENTED BY
SUB INSPECTOR OF POLICE,
MATTANCHERRY POLICE STATION,
THROUGH PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.**

**R1 BY ADV. SMT.PA.PRIYA
R2 BY SRI.JUSTIN JACOB, PUBLIC PROSECUTOR**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 27-10-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

APPENDIX

PETITIONER(S)' ANNEXURES :-

**ANNEXURES A : CERTIFIED COPY OF THE FIRST INFORMATION REPORT IN
FIR NO.503/2012 DATED 23.04.2012 OF MATTANCHERRY
POLICE STATION.**

**ANNEXURE B : CERTIFIED COPY OF THE FINAL REPORT IN C.C.NO.1291/2012
ON THE FILES OF THE JUDICIAL FIRST CLASS MAGISTRATE
COURT-II, KOCHI DATED 23.04.2012.**

**ANNEXURE C : CERTIFIED COPY OF THE DEPOSITION OF THE 1ST RESPONDENT
DATED 22.04.2013.**

ANNEXURE D : TRUE COPY OF THE AFFIDAVIT DATED

RESPONDENT(S)' ANNEXURES :- NIL

//TRUE COPY//

P.A. TO JUDGE

rkj

P.UBAID, J.

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Crl.M.C.No.6922 of 2015
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Dated this the 27th day of October, 2015

ORDER

The petitioner herein is the sole accused in C.C.No.1291 of 2012 of the Judicial First Class Magistrate Court-II, Kochi. 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 498(A) and 406 of the Indian Penal Code on the complaint of one Sajna, 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, and she 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 petitioner herein in C.C.No.1291 of 2012 of the Judicial First Class Magistrate Court-II, Kochi 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