

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 28TH DAY OF OCTOBER 2015/6TH KARTHIKA, 1937

Crl.MC.No. 6940 of 2015

CC 1041/2012 of J.M.F.C-I, HOSDRUG

CRIME NO. 16/2012 OF AMBALATHARA POLICE STATION, KASARGOD

PETITIONER(S)/ACCUSED :-

- 1. ABDUL GAFOOR, AGED 36 YEARS,
S/O.EBRAHIM, MANGOTTU, MADIKAI GRAMAM,
KASARAGOD DISTRICT.**
- 2. YOOSUF, AGED 53 YEARS,
S/O.EBRAHIM, MANGOTTU, MADIKAI GRAMAM,
KASARAGOD DISTRICT.**
- 3. KUNJAHAMATH, AGED 43 YEARS,
S/O.EBRAHIM, MANGOTTU, MADIKAI GRAMAM,
KASARAGOD DISTRICT.**
- 4. MUHAMMED KUNHI, AGED 48 YEARS,
S/O.EBRAHIM, MANGOTTU, MADIKAI GRAMAM,
KASARAGOD DISTRICT.**
- 5. NASEEMA, AGED 38 YEARS,
W/O.MUHAMMED KUNHI, MANGOTTU, MADIKAI GRAMAM,
KASARAGOD DISTRICT.**

BY ADV. SRI.P.K.SUBHASH

RESPONDENTS/STATE/DEFACTO COMPLAINANT :-

- 1. STATE - REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**
- 2. RAHMATH P., AGED 25 YEARS, D/O.ASSINAR,
CHATHURAKINAR, PARAPPALLY, PULLUR VILLAGE,
KASARAGOD DISTRICT.**

R2 BY ADV. SRI.A.ARUNKUMAR

R1 BY SMT.SHEEBA M.T., PUBLIC PROSECUTOR

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 28-10-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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APPENDIX

PETITIONER(S)' ANNEXURES :-

**ANNEXURE AI : A TRUE COPY OF THE FIR IN CRIME NO.16 OF 2012 OF
AMBALATHARA POLICE STATION, KASARAGOD.**

ANNEXURE AII : A TRUE COPY OF THE FINAL REPORT.

ANNEXURE AIII : THE AFFIDAVIT SWORN BY THE 2ND RESPONDENT.

RESPONDENT(S)' ANNEXURES :- NIL

//TRUE COPY//

P.A. TO JUDGE

rkj

P.UBAID, J.

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Crl.M.C.No.6940 of 2015
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Dated this the 28th day of October, 2015

ORDER

The petitioners herein are the five accused in C.C.No.1041 of 2012 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 Section 498A and 34 of the Indian Penal Code on the complaint of one Rahmath P., 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 that the marriage also stands dissolved in terms of the settlement arrived at. I am satisfied that the claims also stand 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.1041 of 2012 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