

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. 6951 of 2015

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CC 2589/2013 of J.M.F.C., KARUNAGAPPALLY, KOLLAM**

CRIME NO. 3260/2012 OF KARUNAAGAPALLY POLICE STATION, KOLLAM

PETITIONERS/ 1-4TH ACCUSED : -

- 1. SHIBU, AGED 29 YEARS, S/O.BADARUDEEN,
RESIDING AT THATTARUPARAMBIL VEEDU,
MANAPPALLY NORTH., PAVUMBA VILLAGE.,
KARUNAGAPPALLY TALUK, KOLLAM DISTRICT.**
- 2. BADARUDEEN, AGED 57 YEARS, S/O.MUHAMMED KUNJU,
RESIDING AT THATTARUPARAMBIL VEEDU,
MANAPPALLY NORTH., PAVUMBA VILLAGE.,
KARUNAGAPPALLY TALUK, KOLLAM DISTRICT.**
- 3. AREEFA BEEVI, AGED 50 YEARS, D/O.FATHIMA KUNJU,
RESIDING AT THATTARUPARAMBIL VEEDU,
MANAPPALLY NORTH., PAVUMBA VILLAGE.,
KARUNAGAPPALLY TALUK, KOLLAM DISTRICT.**
- 4. SHEEJA, AGED 30 YEARS, D/O.AREEFA BEEVI,
RESIDING AT THATTARUPARAMBIL VEEDU,
MANAPPALLY NORTH., PAVUMBA VILLAGE.,
KARUNAGAPPALLY TALUK, KOLLAM DISTRICT.**

BY ADV. SRI.V.A.AJIVAS

RESPONDENTS/COMPLAINANTS :-

- 1. NEJIMOL, AGED 24 YEARS, W/O/SHIBU,
RESIDING AT THATTARUPARAMBIL VEEDU,
MANAPPALLY NORTH., PAVUMBA VILLAGE.,
KARUNAGAPPALLY TALUK, KOLLAM DISTRICT - 690 574.**
- 2. STATE OF KERALA, REPRESENTED BY
THE SUB INSPECTOR OF POLICE,
KARUNAGAPPALLY POLICE STATION, KOLLAM DISTRICT
THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, - 682 031.**

R1 BY ADV. SMT.M.MANJU (KADAKKAL)

R2 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:**

rkj

Crl.MC.No. 6951 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES :-

**ANNEXURE A : TRUE COPY OF THE CHARGE SHEET IN CRIME NO.3260/2012 OF
KARUNAGAPPALLY POLICE STATION, KOLLAM DISTRICT.**

ANNEXURE B : TRUE COPY OF AFFIDAVIT SWORN TO 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.6951 of 2015

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Dated this the 28th day of October, 2015

ORDER

The petitioners herein are the four accused in C.C.No.2589 of 2013 of the Judicial First Class Magistrate Court, Karunagappally, Kollam. 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 read with Section 34 of the Indian Penal Code on the complaint of one Nejimol, 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 the prosecution 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. It is submitted that the victim has joined her husband in matrimony, and 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 petitioners herein in C.C.No.2589 of 2013 of the

Judicial First Class Magistrate Court, Karunagappally, Kollam 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