

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 29TH DAY OF OCTOBER 2015/7TH KARTHIKA, 1937

Crl.MC.No. 6970 of 2015

CC 894/2014 of J.M.F.C.,CHITTUR

CRIME NO. 303/2014 OF CHITTUR POLICE STATION, PALAKKAD

PETITIONER(S)/ACCUSED NOS 1 TO 3 :-

- 1. ASGHAR KHAN, S/O.SADIQ KHAN,
KOTTARATHIL HOUSE, NEW MARKET,
MUNDAKAYAM, KOTTAYAM DISTRICT - 686 513.**
- 2. LATHEEFA BEEGAM, W/O.SADIQ KHAN,
KOTTARATHIL HOUSE, NEW MARKET,
MUNDAKAYAM, KOTTAYAM DISTRICT - 686 513.**
- 3. SADIQ KHAN,, S/O.AHMED RAWTHER,
KOTTARATHIL HOUSE, NEW MARKET,
MUNDAKAYAM, KOTTAYAM DISTRICT - 686 513.**

**BY ADVS.SRI.SUNIL V.MOHAMMED
SRI.AMAL KASHA**

RESPONDENT(S)/STATE/COMPLAINANT :-

- 1. THE STATE OF KERALA, REPRESENTED BY
THE SUB-INSPECTOR OF POLICE,
CHITTUR POLICE STATION, PALAKKAD,
THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**
- 2. SALUJA, W/O.ASGHAR KAHN,
SAUDA MANZIL, MAIN ROAD,
CHITTUR VILLAGE, PALAKKAD - 678 101.**

**R1 BY SMT.M.T.SHEEBA, PUBLIC PROSECUTOR
R2 BY ADV. SRI.PETER T.THOMAS**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 29-10-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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APPENDIX

PETITIONER(S)' ANNEXURES :-

**ANNEXURE A1 : TRUE COPY OF THE FIRST INFORMATION REPORT DATED
19.03.2014.**

**ANNEXURE A2 : TRUE COPY OF THE FINAL REPORT DATED 15.05.2014 SUBMITTED
BY THE POLICE BEFORE THE JFCM COURT, CHITTUR.**

**ANNEXURE A3 : TRUE COPY OF THE MEMORANDUM OF AGREEMENT PREPARED
U/S.89 OF THE CODE OF CIVIL PROCEDURE R/W. RULE 24 OF THE
CIVIL PROCEDURE (ALTERNATIVE DISPUTE RESOLUTION) RULES,
2008 DATED 22.09.2015 AND EXECUTED BY THE 1ST PETITIONER
AND THE DEFACTO COMPLAINANT.**

**ANNEXURE A4 : TRUE COPY OF THE TALAQUE IN WRITING DIRECTLY ACCEPTED
BY THE 2ND RESPONDENT/DEFACTO COMPLAINANT AND
COMMUNICATED TO THE JAMA-ATH ALONG WITH POSTAL
RECEIPT AND ACKNOWLEDGEMENT CARD.**

RESPONDENT(S)' ANNEXURES :- NIL

//TRUE COPY//

P.A. TO JUDGE

rkj

P.UBAID, J.

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Crl.M.C.No.6970 of 2015

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Dated this the 29th day of October, 2015

ORDER

The petitioners herein are the three accused in C.C.No. 894 of 2014 of the Judicial First Class Magistrate Court, Chittur. 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 323 and 498(A) read with Section 34 of the Indian Penal Code on the complaint of one Saluja, 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 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. 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 marriage stands dissolved. The claims of the victim also stand settled appropriately. The fact of divorce is proved by the Annexure - A4 document. In the above situation, it is appropriate that the pending prosecution be quashed.

In the result, this petition is allowed. The prosecution

against the petitioners herein in C.C.No.894 of 2014 of the Judicial First Class Magistrate Court, Chittur 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.

rkj

Sd/-
P.UBAID
JUDGE

//TRUE COPY//

P.A.TO JUDGE