

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. 6972 of 2015 ()

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CC 1010/2014 of JUDICIAL FIRST CLASS MAGISTRATE COURT, KOYILANDY
CRIME NO. 9/2014 OF ELATHUR POLICE STATION , KOZHIKODE
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PETITIONERS/ACCUSED:

- 1. NISAR AHAMMAD, AGED 31 YEARS
S/O. IBRAHIM, PUTHUSSERYKANDY HOUSE
BEACH ROAD, KOYILANDY TALUK
KOZHIKOD DISTRICT**
- 2. MARIYAKKUTTY, AGED 69 YEARS
W/O. IBRAHIM, PUTHUSSERYKANDY HOUSE
BEACH ROAD, KOYILANDY TALUK
KOZHIKOD DISTRICT**
- 3. RUKHIYA, AGED 43 YEARS, W/O. HASSANKOYA
FAHANA HOUSE, PUTHUSSERYKANDY HOUSE
BEACH ROAD, KOYILANDY TALUK
KOZHIKOD DISTRICT**
- 4. RAHIYYA, AGED 36 YEARS, W/O. SHAMSU
PUTHUSSERYKANDY HOUSE
BEACH ROAD, KOYILANDY TALUK
KOZHIKOD DISTRICT**

BY ADV. SMT.K.DEEPA (PAYYANUR)

RESPONDENTS/COMPLAINANT & STATE:

- 1. STATE OF KERALA REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM**
- 2. SHABNA, AGED 22 YEARS, D/O. MAMMADKOYA
POONATTIL HOUSE, CHETTIKULAM, ELATHUR
KOZHIKODE TALUK, KOZHIKODE DISTRICT**

R2 BY ADV. SMT.CELINE JOSEPH

R1 BY PUBLIC PROSECUTOR SMT. SHEEBA M.T.

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

CRL.M.C.NO.6972/2015

APPENDIX

PETITIONERS' EXHIBITS

**ANNEXURE I CERTIFIED COPY OF THE FIR OF CRIME NO.9/2014 OF THE ELEATHUR
POLICE STATION, KOZHIKODE**

**ANNEXURE II CERTIFIED COPY OF THE FINAL REPORT OF CRIME NO.9/2014 OF THE
ELEATHUR POLICE STATION, KOZHIKODE**

**ANNEXURE III COPY OF THE AGREEMENT ENTERED INTO BETWEEN THE 1ST
PETITIONER AND THE 2ND RESPONDENT**

ANNEXURE IV AFFIDAVIT FILED BY THE 2ND RESPONDENT

RESPONDENTS' EXHIBITS

NIL

// TRUE COPY //

P.A. TO JUDGE

SD

P. UBAID, J.

Crl.M.C.No.6972 of 2015

Dated this the 29th day of October, 2015

O R D E R

The petitioners herein are the accused in C.C.No.1010/2014 of the Judicial First Class Magistrate Court, Koyilandy. 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 498-A, 406, 506(i) and 294(b) read with 34 IPC, on the complaint of one Shabna, 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. Her affidavit shows that the whole matrimonial dispute stands resolved forever, and that the marriage stands dissolved in terms of the compromise arrived at. It is submitted that the victim's claims also stand settled. In such a situation, it is appropriate that the prosecution be quashed.

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.

In the result, this petition is allowed. The prosecution against the petitioners herein in C.C.No.1010/2014 of the Judicial First Class Magistrate Court, Koyilandy 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

sd

// True Copy // P.A. to Judge