

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 12TH DAY OF NOVEMBER 2015/21ST KARTHIKA, 1937

Crl.MC.No. 7167 of 2015

CRIME NO. 171/2015 OF KUMBALA POLICE STATION, KASARAGOD

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

- 1. ABDUL RASHEED, AGED 34 YEARS,
S/O.ISMAIL, RESIDING AT KEDAMOOLE HOUSE,
UKKINADKA (P.O), PERLA, KASARAGOD DISTRICT.**
- 2. AYSHA, AGED 55 YEARS,
W/O.ISMAIL, RESIDING AT KEDAMOOLE HOUSE,
UKKINADKA (P.O), PERLA, KASARAGOD DISTRICT.**
- 3. SAJINZ, AGED 22 YEARS,
D/O.ISMAIL, RESIDING AT KEDAMOOLE HOUSE,
UKKINADKA (P.O), PERLA, KASARAGOD DISTRICT.**

BY ADV. SRI.JAWAHAR JOSE

RESPONDENTS/STATE, DEFACTO-COMPLAINANT & INJURED :-

- 1. THE STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. FATHIMATH NISSA.M.K., AGED 21 YEARS,
D/O.MOHAMMED.M.K @ KUNHAMMED.M.K.,
RESIDING AT VALIYAPURA MANZIL, ULUVAR, KIDOOR(P.O),
UJJARULUVAR VILLAGE, MANJESHWAR TALUK,
KASARAGOD DISTRICT.**

R2 BY ADV. SRI.V.VINAY MENON

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

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 12-11-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

rkj

APPENDIX

PETITIONER(S)' ANNEXURES :-

ANNEXURE - A : THE CERTIFIED COPY OF PRIVATE COMPLAINT.

ANNEXURE - B : THE CERTIFIED COPY OF FIR.

**ANNEXURE - C : THE COPY OF AFFIDAVIT SWEARED BY THE 2ND RESPONDENT
EVIDENCING SETTLEMENT.**

RESPONDENT(S)' ANNEXURES :- NIL

//TRUE COPY//

P.A. TO JUDGE

rkj

P.UBAID, J.

=====

Crl.M.C.No.7167 of 2015

=====

Dated this the 12th day of November, 2015

ORDER

The petitioners seek orders quashing the F.I.R and further proceedings in Crime No.171 of 2015 of the Kumbala Police Station, Kasaragod, registered under Section 498A IPC on the complaint of one Fathimath Nissa M.K. Orders are sought on the ground of amicable settlement of the whole dispute between the accused and the de facto complainant out of court. The de facto complainant 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.

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; be it at the crime stage or at the trial stage, or even at the appellate, or revision

stage; if the parties have really settled the whole dispute, or if continuance of the prosecution will not serve any purpose. Here, I find a real case of settlement between the parties, and I also find that continuance of the prosecution in such a situation will not serve any purpose other than wasting the precious time of the court, when the case ultimately comes before the court.

3. The victim's affidavit shows that the whole matrimonial dispute stands resolved forever, and that the marriage stands dissolved. The claims also stands settled. In such a situation, it is appropriate that the pending prosecution be quashed.

In the result, this petition is allowed. The F.I.R and further proceedings in Crime No.171 of 2015 of the Kumbala Police Station, Kasaragod will stand quashed under Section 482 of the Code of Criminal Procedure.

rkj

//TRUE COPY//

P.A. TO JUDGE

Sd/-
P.UBAID
JUDGE