

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. 7175 of 2015

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CC 582/2014 of J.M.F.C.-I, THAMARASSERY**

CRIME NO. 330/2014 OF THAMARASSERY POLICE STATION, KOZHIKODE

PETITIONER(S)/ACCUSED 2 TO 6:

- 1. AYISHA, W/O.MUHAMMED (LATE), KANCHIRAPOYIL HOUSE,
THEKKINTHOTTAM, UNNIKULAM PO, THAMARASSERY TALUK,
KOZHIKODE DISTRICT.**
- 2. ABDU SALAM, S/O.MUHAMMED (LATE), KANCHIRAPOYIL HOUSE,
THEKKINTHOTTAM, UNNIKULAM PO, THAMARASSERY TALUK,
KOZHIKODE DISTRICT.**
- 3. MUHAMMED BASHEER, S/O.MUHAMMED (LATE), KANCHIRAPOYIL HOUSE,
THEKKINTHOTTAM, UNNIKULAM PO, THAMARASSERY TALUK,
KOZHIKODE DISTRICT.**
- 4. RASEENA BEEVI, W/O.ABDUL RAHIMAN, KANCHIRAPALLIYIL HOUSE,
THEKKINTHOTTAM, UNNIKULAM PO, THAMARASSERY TALUK,
KOZHIKODE DISTRICT.**
- 5. NASEERA, W/O.ASHRAF, KANCHIRAPOYIL HOUSE, THEKKINTHOTTAM,
UNNIKULAM PO, THAMARASSERY TALUK, KOZHIKODE DISTRICT.**

BY ADV. SRI.LUIZ GODWIN D'COUTH

RESPONDENT(S)/STATE/DEFACTO COMPLAINANT :-

- 1. STATE OF KERALA,
REPRESENTED BY SUB INSPECTOR OF POLICE,
THAMARASSERY POLICE STATION,
THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. HASEENA MP, W/O.SHAMEER PT(LATE), THALIPUZHA VEEDU,
KUNNATHU EDAVAKA VILLAGE, LAKIDI, VYTHIRI,
WAYANADU DISTRICT - 670 645.**

**R2 BY ADV. SRI.JOSE KURIAKOSE (VILANGATTIL)
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:**

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Crl.MC.No. 7175 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES :-

ANNEXURE A: TRUE COPY OF THE FINAL REPORT IN CRIME NO.330/2014.

**ANNEXURE B: THE ORIGINAL OF THE AFFIDAVIT SWORN BY THE 2ND
RESPONDENT/ DEFACTO COMPLAINANT.**

RESPONDENT(S)' ANNEXURES :- NIL

//TRUE COPY//

P.A. TO JUDGE

rkj

P.UBAID, J.

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Crl.M.C.No.7175 of 2015
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Dated this the 12th day of November, 2015

ORDER

The petitioners herein are the five accused in C.C.No.582 of 2014 of the Judicial First Class Magistrate Court-I, Thamarassery. 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 498(A) IPC on the complaint of one Haseena M.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 first accused died pending the proceedings, and the prosecution against him thus abated. The other accused and the complainant have now come to terms. I am fully satisfied of the truth and genuineness of the settlement reported.

In the result, this petition is allowed. The prosecution against the petitioners herein in C.C.No.582 of 2014 of the Judicial First Class Magistrate Court-I, Thamarassery 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