

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

MONDAY, THE 16TH DAY OF NOVEMBER 2015/25TH KARTHIKA, 1937

Cr1.MC.No. 7188 of 2015

IN CC 734/2015 OF THE JUDICIAL FIRST CLASS MAGISTRATE
COURT -I MUVATUPZHA

PETITIONERS/ACCUSED 1-3:

1. NAVAS,
S/O.KUNJUMHAMMED, AKKALAMATTAM HOUSE, KOTTAPADY POST
KOTHAMANGALAM
NOW RESIDING AT MULAVOOR VILLAGE AND POST
MUVATTUPZHA.
2. KUNJUMHAMMED,
S/O.MUHAMMED, AKKALAMATTAM HOUSE, KOTTAPADY POST
KOTHAMANGALAM
NOW RESIDING AT MULAVOOR VILLAGE AND POST,
MUVATTUPZHA.
3. SULEKHA,
W/O.KUNJUMHAMMED, AKKALAMATTAM HOUSE, KOTTAPADY POST
KOTHAMANGALAM
NOW RESIDING AT MULAVOOR VILLAGE AND POST
MUVATTUPZHA.

BY ADVS.SRI.MATHEW JOHN (K)
SRI.DOMSON J.VATTAKUZH

RESPONDENTS/DEFACTO COMPLAINANT:

1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, PIN-682 031.
- 2.AJEESHA,
D/O.SAINUDHEEN, PANDIYAPURACKAL HOUSE,
KOOVALLOOR KARA,
POTHANICAD VILLAGE, KOTHAMANGALAM -686 666.

R2 BY ADV. SRI.V.K.SHAMEER
R1 BY PUBLIC PROSECUTOR SRI.JUSTIN JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 16-11-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

Cr1.MC.No. 7188 of 2015

APPENDIX

PETITIONERS' ANNEXURES:

ANNEXURE-A. COPY OF THE FINAL REPROT FILED BY THE
INVESTIGATING OFFICER DATED 28/5/2015.

ANNEXURE-B. COPY OF THE AFFIDAVIT SWORN BY THE 2ND RESPONDENT
DATED 6/11/2015.

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.7188 of 2015

Dated this the 16th day of November, 2015

O R D E R

The petitioners herein are the three accused in C.C No.734/2015 of the Judicial First Class Magistrate Court, Muvattupuzha. 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) r/w 34 of the Indian Penal Code on the complaint of one Ajeesha who is the second 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. The victim's affidavit shows that the whole matrimonial disputes stands resolved forever, and that she has joined her husband in matrimony in terms of the settlement. 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.734/2015 of the Judicial First Class Magistrate Court, Muvattupuzha 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

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