

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 13TH DAY OF NOVEMBER 2015/22ND KARTHIKA, 1937

Cr1.MC.No. 7204 of 2015

IN C.C 1928/2015 of JUDICIAL FIRST CLASS MAGISTRATE
COURT I, CHAVARA

PETITIONER/2ND ACCUSED:

MUTHUBEEVI, AGED 49 YEARS,
W/O.JAMALUDDIN, JAHAS VILLA, BRIDGE P.O.
CHAVARA, KARUNAGAPALLY, KOLLAM.

BY ADVS.SRI.D.AJITHKUMAR
SRI.D.JEEVAN

RESPONDENTS/STATE & DE-FACTO COMPLAINANT:

1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, 682031.
2. NISAMOL.P.I, AGED 25 YEARS,
W/O.JAHAS HAMAL, D/O.P.M.IBRAHIMKUTTY,
PARAPALLIL (H) ,
KUMMANAM P.O., KOTTAYAM-686035.

R2 BY ADV. SRI.NAVIA SEBASTIAN
R1 BY PUBLIC PROSECUTOR SRI.JUSTIN JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR
ADMISSION ON 13-11-2015, THE COURT ON THE SAME DAY
PASSED THE FOLLOWING:

Cr1.MC.No. 7204 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE-A1: CERTIFIED COPY OF THE FINAL REPORT IN
C.C.NO.1928/2004 ON THE FILE OF JUDICIAL FIRST CLASS
MAGISTRATE COURT-I, CHAVARA.

ANNEXURE-A2: CERTIFIED COPY OF THE CHARGE IN F.I.R.
NO.906/2015 OF CHAVARA POLICE STATION.

ANNEXURE-A3: AFFIDAVIT OF THE 2ND RESPONDENT/DE-FACTO
COMPLAINANT DATED 22.6.2015.

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY/

P.A TO JUDGE

ab

P.UBAID, J.

Crl.M.C No.7204 of 2015

Dated this the 13th day of November, 2015

O R D E R

The petitioner herein is the second accused in C.C No.1928/2015 of the Judicial First Class Magistrate Court I, Chavara. She seeks orders quashing the prosecution on the ground of amicable settlement of the whole dispute between her and the de facto complainant. Crime in this case was registered under Sections 498A and 323 r/w 34 of the Indian Penal Code on the complaint of one Nisamol 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 dispute stands resolved forever, and that the victim has joined her husband in matrimony. It is submitted that they are now leading a very happy married life in Soudi Arabia. In such a situation, it is appropriate that the prosecution be quashed.

In the result, this petition is allowed. The prosecution against the petitioner herein in C.C No.1928/2015 of the Judicial First Class Magistrate Court I, Chavara will stand quashed under Section 482 of the Code of Criminal Procedure. Accordingly, the petitioner will stand released from prosecution, and the bail bond, if any, executed by him will stand discharged.

**Sd/-
P.UBAID
JUDGE**

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