

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

Crl.MC.No. 7233 of 2015

**C.C. No.2054/2015 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, KAKKANAD
CRIME NO. 682/2015 OF THADIYITTAPARAMBA POLICE STATION , ERNAKULAM**

PETITIONER:

**SHAMEERA, AGED 31 YEARS,
D/O. ISMAIL, PERUMATTAM HOUSE,
PALLIKKUTTY, AMBUNAD.**

BY ADV. SRI. V.N.SUNIL KUMAR

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**
- 2. FATHIMA, AGED 65 YEARS,
W/O. MUHAMMED, MALEKKUDY HOUSE,
PALLIKUTTY, AMBUNAD - 683 562.**
- 3. AYSHA BEEVI, AGED 34 YEARS,
W/O. MUSTHAF, MALEKKUDY HOUSE,
PALLIKUTTY, AMBUNAD - 683 562.**
- 4. RASEENA, AGED 25 YEARS,
W/O. HASHIM, PALLIKKUTTY BHAGAM, AMBUNAD KARA,
KIZHAKKAMBALAM VILLAGE - 683 562.**

**R1 BY PUBLIC PROSECUTOR SMT. SHEEBA.M.T.
R2 TO R4 BY ADV. SRI. SHYLESH KRISHNAN**

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

APPENDIX

PETITIONER(S)' EXHIBITS

- ANNEXURE A1:** COPY OF FIR No.682/2015 OF THADIYITTAPARAMBA POLICE STATION DATED 11.8.15.
- ANNEXURE A2:** CERTIFIED COPY OF FINAL REPORT SUBMITTED IN C.C. No.2054/2015 DATED 25.08.15 ON THE FILE OF JUDICIAL FIRST CLASS MAGISTRATE COURT, KAKKANAD.
- ANNEXURE A3:** COPY OF AGREEMENT EXECUTED BETWEEN PETITIONER AND HER HUSBAND.
- ANNEXURE A4:** COPY OF THE AFFIDAVIT BY 2ND RESPONDENT.
- ANNEXURE A5:** COPY OF THE AFFIDAVIT BY 3RD RESPONDENT.
- ANNEXURE A6:** COPY OF THE AFFIDAVIT BY 4TH RESPONDENT.

RESPONDENT(S)' EXHIBITS - **NIL**

//TRUE COPY//

PA TO JUDGE

P. UBAID, J

Cri.M.C. No. 7233 OF 2015

Dated this the 16th day of November, 2015

ORDER

The petitioner herein is the accused in C.C No.2054/2015 of the Judicial First Class Magistrate Court, Kakkanad. 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 451, 294(b), 323 and 427 IPC on the complaint of one Fathima Muhammed 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. The other persons who sustained injuries in the alleged incident are the 3rd and 4th respondents in this

proceeding. They have also filed affidavit to the effect that they have settled the whole dispute with the accused and they have no grievance or complaint now.

3. In so many decisions, the Hon'ble Supreme Court has held that even in cases involving non-compoundable offences, the High Court can quash 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, and I am satisfied that the parties are now on quite cordial terms. 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 petitioner/petitioners herein in C.C. No.2054/2015 of the Judicial First Class Magistrate's Court, Kakkanad 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 her will stand discharged.

Sd/-
P. UBAID
JUDGE

WW