

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. 7234 of 2015

**C.C. No.549/2012 OF J.F.C.M,PAYYANNUR
CRIME NO. 215/2012 OF PAYANGADI POLICE STATION, KANNUR**

PETITIONER(S)/ACCUSED AND COMPLAINANT:

- 1. SHAMEEMA S.A,
D/O. IBRAHIM, SOOPPIKKAD ALIYANTAVIDE HOUSE,
MADAI AMSOM, VENGARA DESOM, KANNUR DISTRICT.**
- 2. KEERAN MOITHEEN,
S/O. ALI, KALATHIL HOUSE, NARIKKOD,
EZHOME AMSOM, KANNUR DISTRICT.**
- 3. KEERAN MOHAMOOD,
S/O.ALI, KALATHIL HOUSE, NARIKOD,
EZHOME AMSOM, KANNUR DISTRICT.**
- 4. KEERAN FATHIMA,
D/O.ALI, KALATHIL HOUSE, NARIKOD,
EZHOME AMSOM, KANNUR DISTRICT.**
- 5. KEERAN FAIZAL,
S/O.ALI, KALATHIL HOUSE, NARIKOD,
EZHOME AMSOM, KANNUR DISTRICT.**

BY ADV. SRI. T.V.JAYAKUMAR NAMBOODIRI

RESPONDENT(S)/DE FACTO COMPLAINANTS:

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**

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:**

Crl.MC.No. 7234 of 2015

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE I: COPY OF THE FINAL REPORT IN CRIME No.215/2012 OF PAYANGADI
POLICE STATION.**

ANNEXURE II: COPY OF AFFIDAVIT OF IST PETITIONER.

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

//TRUE COPY//

PA TO JUDGE

WW

P. UBAID, J

Crl.M.C. No. 7234 OF 2015

Dated this the 16th day of November, 2015

ORDER

The petitioners herein are the accused in C.C. No.549/2012 of the Judicial First Class Magistrate Court, Payyanur. 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 498A r/w S.34 of IPC on the complaint of one Shameema who is the 1st petitioner in this proceeding brought under Section 482 of the Code of Criminal Procedure. They have filed affidavit to the effect that they have settled the whole dispute with the accused and they have 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 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 victim's affidavit shows that whole matrimonial disputes stands resolved for ever. It is submitted that the parties have parted ways in terms of the settlement, and the claims of the victim also stand settled. In such a situation it is appropriate the

prosecution be quashed.

In the result, this petition is allowed. The prosecution against the petitioners herein in C.C. No.549/2012 of the Judicial First Class Magistrate's Court, Payyanur 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

ww