

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 17TH DAY OF NOVEMBER 2015/26TH KARTHIKA, 1937

Crl.MC.No. 7240 of 2015

CRIME NO. 949/2014 OF KASARAGOD POLICE STATION , KASARGOD

PETITIONER(S)/ACCUSED:

1. ABDULKHADER @ ANDAL, AGED 33 YEARS,
S/O. ERMU, RESIDING AT BANGOD KADAVATH, THALANGARA P.O.,
KASARAGOD TALUK, KASARAGOD DISTRICT.
2. ERMU, AGED 68 YEARS,
S/O. SULAIMAN, RESIDING AT BANGOD KADAVATH, THALANGARA,
KASARAGOD TALUK, KASARAGOD DISTRICT.
3. HAKEEM, AGED 28 YEARS,
S/O. ERMU, RESIDING AT BANGOD KADAVATH, THALANGARA,
KASARAGOD TALUK, KASARAGOD DISTRICT.
4. MISRIYA, AGED 26 YEARS,
D/O. ERMU, RESIDING AT BANGOD KADAVATH, THALANGARA,
KASARAGOD TALUK, KASARAGOD DISTRICT.
5. SULEKSHA, AGED 37 YEARS,
D/O. ERMU, RESIDING AT BANGOD KADAVATH, THALANGARA,
KASARAGOD TALUK, KASARAGOD DISTRICT.

BY ADV. SRI. P.V.KUNHIKRISHNAN

RESPONDENT(S)/COMPLAINANT/STATE:

1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, KOCHI -682 031.
2. KHADEEJATH JAMSHEEDA C.A., AGED 24 YEARS,
D/O. AHAMED, RESIDING AT THALANGARA, K.K. PURAM,
KASARAGOD TALUK, KASARAGOD DISTRICT - 671 122.

R1 BY PUBLIC PROSECUTOR SRI. JUSTIN JACOB
R2 BY ADV. SRI.P.V.ANOOP

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
17-11-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE A: COPY OF THE FIR IN CRIME No.949/2014 OF KASARAGOD
POLICE STATION.**

**ANNEXURE B: COPY OF THE SETTLEMENT AGREEMENT BETWEEN THE
FIRST PETITIONER AND SECOND RESPONDENT DATED
13.12.2014.**

**ANNEXURE C: COPY OF THE AFFIDAVIT FILED BY THE 2ND RESPONDENT
DATED 05.01.2015.**

RESPONDENT(S)' EXHIBITS - NIL

//TRUE COPY//

PA TO JUDGE

P. UBAID, J.

Cri.M.C. No.7240 OF 2015

Dated this the 17th day of November, 2015

ORDER

The petitioners seek orders quashing the F.I.R and further proceedings in Crime No.949/2014 of Kasaragod Police Station registered under Sections 323, 409 and 498A IPC on the complaint of one Khadeejath Jamsheeda. Orders are sought on the ground of amicable settlement of the whole dispute between the accused and the de facto complainant out of court. The de facto complainant 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.

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; be it at the crime stage or at the trial stage

or even at the appellate or revision stage; if the parties have really settled the whole dispute or if continuance of prosecution will not serve any purpose. Here, I find a real case of settlement between the parties and I also find that continuance of prosecution in such a situation will not serve any purpose other than wasting the precious time of the court, when the case ultimately comes before the court.

3. The victim's affidavit shows that the whole matrimonial disputes stands resolved for ever, and that the marriage stands dissolved. The claims also stand settled. In such a situation it is appropriate that the prosecution be quashed.

In the result, this petition is allowed. The F.I.R and further proceedings in crime No.949/2014 of Kasaragod Police Station will stand quashed under Section 482 of the Code of Criminal Procedure.

Sd/-
P. UBAID
JUDGE