

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.M.C.No. 7243 of 2015

**C.C. No.583/2012 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-I, HOSDURG
CRIME No.778/2011 OF CHANDERA POLICE STATION , KASARAGOD**

PETITIONER(S)/ACCUSED NO.1 TO 5:

1. **RAFEEQUE .K, AGED 39 YEARS,
S/O. ABDULLA, "B.C.HOUSE", MOOSA HAJI MUKKU,
PADANNA GRAMAM, KASARAGOD DISTRICT.**
2. **KULSU @ KULDU, AGED 75 YEARS,
W/O. ABDULLA, "B.C.HOUSE",
MOOSA HAJI MUKKU, PADANNA GRAMAM, KASARAGOD DISTRICT.**
3. **MUHAMMED ASHRAF, AGED 49 YEARS, S/O. ABDULLA,
THEKKEPPURAM, PADANNA GRAMAM, KASARAGOD DISTRICT.**
4. **KHADEEJA .K, AGED 51 YEARS, W/O.SHAHUL HAMEED,
"B.C.HOUSE", MOOSA HAJI MUKKU, PADANNA GRAMAM,
KASARAGOD DISTRICT.**
5. **SUBAIDA .K, AGED 42 YERS, W/O.YOUSUF,
"B.C.HOUSE", MOOSA HAJI MUKKU, PADANNA GRAMAM,
KASARAGOD DISTRICT.**

**BY ADVS. SRI. ZUBAIR PULIKKOOL
SRI. P.S.BINU**

RESPONDENT(S)/COMPLAINANT/STATE:

1. **SAMEERA K.P.V, AGED 34 YEARS, D/O.ABDUL AZEEZ HAJI,
PAYYANNUR AMSOM, PUNJAKKAD, KANNUR DISTRICT - 670 306.**
 2. **STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**
- R1 BY ADV. SMT. P.A. ANEESHA
R2 BY PUBLIC PROSECUTOR SMT. SHEEBA.M.T**

**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 I: COPY OF THE FINAL REPORT IN CRIME No.778/12 OF CHANDERA
POLICE STATION.**

ANNEXURE II: THE ORIGINAL OF THE AFFIDAVIT OF 1ST RESPONDENT.

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

//TRUE COPY//

PA TO JUDGE

P. UBAID, J.

Cri.M.C. No.7243 OF 2015

Dated this the 17th day of November, 2015

ORDER

The petitioners herein are the accused in C.C. No. 583/2012 of the Judicial First Class Magistrate Court-I, Hosdurg. 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 IPC on the complaint of one Sameera who is the 1st 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 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, 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.

3. The victim's affidavit shows that the whole matrimonial disputes stands resolved for ever and that

the victim has joined her husband in matrimony in terms of settlement arrived. 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.583/2012 of the Judicial First Class Magistrate Court-I, Hosdurg 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