

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. 7249 of 2015

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IN CC 237/2015 OF THE JUDICIAL FIRST CLASS MAGISTRATE  
COURT (FOREST OFFENCES), MANJERI  
CRIME NO. 941/2014 OF MANJERI POLICE STATION, MALAPPURAM

PETITIONERS/ACCUSED:

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1. IRSHAD, AGED 27 YEARS,  
S/O.MUHAMMED, PANDARAPETTY HOUSE,  
VALLUVAMBRAM, POOKOTTUR, MALAPPURAM DISTRICT.
2. MUHAMMED, AGED 58 YEARS,  
S/O.HYDROSE, PANDARAPETTY HOUSE, VALLUVAMBRAM,  
POOKOTTUR, MALAPPURAM DISTRICT.
3. FATHIMA, AGED 55 YEARS,  
W/O.MUHAMMED, PANDARAPETTY HOUSE,  
VALLUVAMBRAM, POOKOTTUR, MALAPPURAM DISTRICT.

BY ADV. SRI.K.RAKESH

RESPONDENTS/STATE & DEFACTO COMPLAINANT:

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1. THE STATE OF KERALA  
REPRESENTED BY THE PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, ERNAKULAM  
KOCHI - 682 031 - THROUGH THE SUB INSPECTOR OF POLICE,  
MANJERI POLICE STATION, MALAPPURAM DISTRICT.
2. PARAMBAN KARUTHODI SHIBINA,  
D/O.ABDURAHIMAN, PARAMBAN KARUTHODI HOUSE, VADAKKUMURI,  
IRUMBURHI, ERNAD TALUK, MALAPPURAM DISTRICT  
PIN - 676 513.

R2 BY ADV. SMT.K.NISHA

R1 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:

Cr1.MC.No. 7249 of 2015  
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APPENDIX

PETITIONERS' ANNEXURES:  
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ANNEXURE-A: COPY OF THE CHARGE IN CRIME NO.941/2014 OF THE  
MANJERI POLICE STATION.

ANNEXURE-B: COPY OF THE AFFIDAVIT SWORN TO BY THE 2ND  
RESPONDENT DATED 13.11.2015

RESPONDENTS' ANNEXURES:  
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NIL

//TRUE COPY//

P.A TO JUDGE

ab

**P.UBAID, J.**

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**Crl.M.C No.7249 of 2015**  
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Dated this the 17<sup>th</sup> day of November, 2015

**O R D E R**

The petitioners herein are the three accused in C.C No.237/2015 of the Judicial First Class Magistrate Court II, (Forest Offences), Manjeri. 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 Sections 323, 406 and 498A r/w 34 of the Indian Penal Code on the complaint of one Shibina 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 further 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. 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 that the prosecution be quashed.

In the result, this petition is allowed. The prosecution against the petitioners herein in C.C No.237/2015 of the Judicial First Class Magistrate Court II, (Forest Offences), Manjeri 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.

ab

**Sd/-**  
**P.UBAID**  
**JUDGE**

**//True Copy//**