

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

Cr1.MC.No. 7251 of 2015

IN CC 298/2015 OF THE CHIEF JUDICIAL MAGISTRATE COURT,
MANJERI
CRIME NO. 874/2013 OF AREACODE POLICE STATION, MALAPPURAM

PETITIONERS/ACCUSED:

1. LUKMAN, AGED 29 YEARS,
S/O. SAIDALAVI, ITTILAL HOUSE, KILIYADIKUNNU,
POOVATHIKAL, MALAPPURAM DISTRICT
2. SULAIKHA, AGED 47 YEARS,
W/O. SAIDALAVI, ITTILAL HOUSE, KILIYADIKUNNU,
POOVATHIKAL, MALAPPURAM DISTRICT
3. JAFAR SADIK, AGED 23 YEARS,
S/O. MUHAMMED, ITTILAL HOUSE, KILIYADIKUNNU,
POOVATHIKAL, MALAPPURAM DISTRICT

BY ADV. SRI.K.RAKESH

RESPONDENTS/STATE & DEFACTO COMPLAINANT:

1. THE STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM
KOCHI 682 031 THROUGH THE SUB INSPECTOR OF POLICE,
AREACODE POLICE STATION, MALAPPURAM DISTRICT
2. SUBAIDA, AGED 27 YEARS,
D/O. MOITHEENKUTTY, PALLIYALIYIL HOUSE,
THAVARAPARAMBA
KAVANUR P.O, ERNAD TALUK, MALAPPURAM DISTRICT,
PIN-673 644

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. 7251 of 2015

APPENDIX

PETITIONERS' ANNEXURES:

ANNEXURE A: COPY OF THE CHARGE IN CRIME NO 874/2013 OF THE
AREACODE POLICE STATION

ANNEXURE B: COPY OF THE AFFIDAVIT SWORN TO BY THE 2ND
RESPONDENT DATED, 13-11-2015

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.7251 of 2015

Dated this the 17th day of November, 2015

O R D E R

The petitioners herein are the three accused in C.C No.298/2015 of the Chief Judicial Magistrate Court, Manjeri. They seek orders quashing the prosecution on the ground of amicable settlement of the whole dispute them and the de facto complainant. Crime in this case was registered under Sections 406 and 498A r/w 34 of the Indian Penal Code on the complaint of one Subaida 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.298/2015 of the Chief Judicial Magistrate Court, 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.

Sd/-
P.UBAID
JUDGE

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//True Copy//