

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 19TH DAY OF NOVEMBER 2015/28TH KARTHIKA, 1937

Crl.MC.No. 7300 of 2015

CC 531/2012 of J.F.M.C. - I, PONNANI

PETITIONER(S)/ACCUSED NO.1 TO 3 :-

- 1. JAFAR, AGED 32 YEARS,
S/O.ABOOBACKER, OSSARUVEETIL,
ARANJERI, ADIKARAPPADI,
VADAMUKKU ROAD, MALAPPURAM DISTRICT.**
- 2. ABOOBACKER, AGED 55 YEARS,
S/O.KUNJAVU, OSSARUVEETIL, MARANJERI,
ADIKARAPPADI, VADAMUKKU ROAD, MALAPPURAM DISTRICT.**
- 3. AYEESHA, AGED 51 YEARS,
W/O.ABOOBACKER, OSSARUVEETIL, MARANJERI,
ADIKARAPPADI, VADAMUKKU ROAD, MALAPPURAMDISTRICT.**

**BY ADVS.SRI.K.B.ARUNKUMAR
SRI.RANJIT BABU**

RESPONDENT(S)/STATE AND DEFACTO COMPLAINANT :-

- 1. STATE OF KERALA,
REPRESENTED THROUGH THE SUB INSPECTOR OF POLICE,
PERUMBADAPPU POLICE STATION,
PALAKKAD DISTRICT,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, PIN - 682 031.**
- 2. NADEERA, AGED 25 YEARS,
W/O.JAFAR, OSSARU VEETIL HOUSE, VELIYAGODU (P.O.),
MALAPPURAM DISTRICT, PIN - 679 579.**

**R2 BY ADV. SRI.PRATHEESH.P
R1 BY SRI.JUSTIN JACOB, PUBLIC PROSECUTOR**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 19-11-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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Crl.MC.No. 7300 of 2015

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE-1: THE CERTIFIED COPY OF THE FIR IN CRIME NO.340/2012 OF
PERUMBADAPPU POLICE STATION.**

**ANNEXURE-2: THE CERTIFIED COPY OF THE FINAL REPORT IN C.C.NO.531/2012
NOW PENDING ON THE FILE OF THE JUDICIAL FIRST CLASS
MAGISTRATE COURT, PONNANI.**

**ANNEXURE-3: THE AFFIDAVIT DATED 18.09.2015 EXECUTED BY THE 2ND
RESPONDENT.**

RESPONDENT(S)' ANNEXURES :- NIL

//TRUE COPY//

P.A. TO JUDGE

rkj

P.UBAID, J.

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Crl.M.C.No.7300 of 2015
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Dated this the 19th day of November, 2015

ORDER

The petitioners herein are the three accused in C.C.No.531 of 2012 of the Judicial First Class Magistrate Court, Ponnani. 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 498A, 354, 506(ii) and 294(b) read with Section 34 of the Indian Penal Code on the complaint of one Nadeera, who 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 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 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 the whole matrimonial dispute stands resolved forever. It is submitted that the marriage stands dissolved by pronouncement of talaq in terms of the settlement. The claim also stands settled. In such a situation, it is appropriate that prosecution be quashed.

In the result, this petition is allowed. The prosecution against the petitioners herein in C.C.No.531 of 2012 of the Judicial First Class Magistrate Court, Ponnani 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**

rkj

//TRUE COPY//

P.A. TO JUDGE