

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 20TH DAY OF NOVEMBER 2015/29TH KARTHIKA, 1937

Cr1.MC.No. 7329 of 2015

IN C.C NO.130/2015 OF THE CHIEF JUDICIAL MAGISTRATE
COURT, KASARAGOD
CRIME NO. 789/2014 OF MANJESWAR POLICE STATION, KASARGOD

PETITIONER/ACCUSED:

AHAMMED KABEER, AGED 43 YEARS,
S/O. MOHAMMED, BENKARA, KASABA PANCHAYATH,
MANGALORE, KARNATAKA, NOW AT MUBARAK MANZIL,
NEAR OLD ALP SCHOOL, PAVOOR, MANJESHWAR,
KASARAGOD.

BY ADVS.SRI.K.PRAVEEN KUMAR
SMT.ANN SUSAN GEORGE

RESPONDENTS/COMPLAINANT/STATE:

1. THE SUB INSPECTOR OF POLICE,
MANJESHWAR POLICE STATION,
KASARAGOD - 673 121.
2. STATE OF KERALA
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM.
3. FATHIMATH SUHARA, AGED 35 YEARS,
D/O. P.A.MOIDEEN KUNHI, NEAR OLD ALP SCHOOL,
PAVOOR
MANJESHWAR, KSARAGOD - 673 121.

R3 BY ADV. SRI.V.A.VINOD
R1 & R2 BY PUBLIC PROSECUTOR SMT.M.T SHEEBA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR
ADMISSION ON 20-11-2015, THE COURT ON THE SAME DAY
PASSED THE FOLLOWING:

Cr1.MC.No. 7329 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

A1 - COPY OF THE FINAL REPORT IN CR. NO. 789/2014 OF
MANJESHWAR POLICE STATION.

A2 - COPY OF THE AFFIDAVIT SWORN BY THE 3RD RESPONDENT.

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.7329 of 2015

Dated this the 20th day of November, 2015

O R D E R

The petitioner herein is the sole accused in C.C No.130/2015 of the Chief Judicial Magistrate Court, Kasaragod. He seeks orders quashing the prosecution on the ground of amicable settlement of the whole dispute between him and the de facto complainant. Crime in this case was registered under Section 498A of the Indian Penal Code on the complaint of one Fathimath Suhara who is the third 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 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, and that she has joined her husband in matrimony in terms of the settlement. In such a situation, it is appropriate that the prosecution be quashed.

In the result, this petition is allowed. The prosecution against the petitioner herein in C.C No.130/2015 of the Chief Judicial Magistrate Court, Kasaragod will stand quashed under Section 482 of the Code of Criminal Procedure. Accordingly, the petitioner will stand released from prosecution, and the bail bond, if any, executed by him will stand discharged.

**Sd/-
P.UBAID
JUDGE**

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