

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 24TH DAY OF NOVEMBER 2015/3RD AGRAHAYANA, 1937

Crl.MC.No. 7390 of 2015

CC 355/2010 of J.M.F.C.-I, ATTINGAL

CRIME NO. 119/2010 OF POTHENCODE POLICE STATION, THIRUVANANTHAPURAM

PETITIONERS/ACCUSED 1 TO 3 :-

- 1. SIYAS, AGED 35 YEARS,
S/O.ABDUL RASHEED, SIAM MANZIL, AYANI MOODU,
PULI VEEDU WARD, KEEZHETHONNAKKAL VILLAGE,
THIRUVANANTHAPURAM DISTRICT.**
- 2. ABDUL RASHEED, AGED 60 YEARS,
S/O.MUHAMMEDALI, SIAM MANZIL, AYANI MOODU,
PULI VEEDU WARD, KEEZHETHONNAKKAL VILLAGE,
THIRUVANANTHAPURAM DISTRICT.**
- 3. NABEESA, AGED 50 YEARS,
D/O.KHADEEJA, SIAM MANZIL, AYANI MOODU,
PULI VEEDU WARD, KEEZHETHONNAKKAL VILLAGE,
THIRUVANANTHAPURAM DISTRICT.**

BY ADV. SRI.P.ANOOP (MULAVANA)

RESPONDENTS/STATE-DEFACTO COMPLAINANT :-

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**
- 2. ASEENA, AGED 28 YEARS, D/O ABIDABEEVI,
PERUNKUR, VALLAKATHUM MOODU VEEDU,
NEDUMPULLI MURI, VEMBAYAM,
THIRUVANANTHAPURAM DISTRICT - 695 001.**

R2 BY ADV. SMT.V.VIJITHA

R1 BY SRI.JUSTIN JACOB, PUBLIC PROSECUTOR

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 24-11-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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Crl.MC.No. 7390 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES :-

**ANNEXURE A1 : CERTIFIED COPY OF THE FINAL REPORT IN CC 355/2010 OF
JUDICIAL FIRST CLASS MAGISTRATE COURT-I, ATTINGAL.**

ANNEXURE A2 : TRUE COPY OF THE AFFIDAVIT FILED 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.7390 of 2015

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Dated this the 24th day of November, 2015

ORDER

The petitioners herein are the three accused in C.C.No.355 of 2010 of the Judicial First Class Magistrate Court-I, Attingal. 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 read with Section 34 of the Indian Penal Code on the complaint of one Aseena, 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 from both sides that the marriage stands dissolved, and that the claims of the victim also stand settled. In such a situation, it is appropriate that the pending prosecution be quashed.

In the result, this petition is allowed. The prosecution against the petitioners herein in C.C.No.355 of 2010 of the Judicial First Class Magistrate Court-I, Attingal 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 JDUGE