

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. 7396 of 2015

CRIME NO. 627/2015 OF PAYANGADI POLICE STATION, KANNUR

PETITIONER(S)/ACCUSED NOS. 1 TO 6 :-

1. FAISAL P.V., S/O MOHAMMED,
PANDIKASALAVALAPPIL, THAZHEYANGADI,
VADAKARA, PIN-671 103.
2. MOHAMMED. P.V., S/O MOIDU,
PANDIKASALAVALAPPIL, THAZHEYANGADI,
VADAKARA, PIN-671 103.
3. SAINABA. P.V., D/O MOHAMMED,
PANDIKASALAVALAPPIL, THAZHEYANGADI,
VADAKARA, PIN-671 103.
4. KUNJUMARIYA P.V., D/O MOHAMMED,
PANDIKASALAVALAPPIL, THAZHEYANGADI,
VADAKARA, PIN-671 103.
5. RAFEEQ, S/O USMANKOYA,
PANDIKASALAVALAPPIL, THAZHEYANGADI,
VADAKARA, PIN-671 103.
6. IBRAHIM. P.V., S/O. MOHAMMED,
PANDIKASALAVALAPPIL, THAZHEYANGADI,
VADAKARA, PIN-671 103.

BY ADV. SRI.K.P.SUJESH KUMAR

RESPONDENT(S):

1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, KOCHI - 31.
2. SHAMNA. K.P., D/O SULAIMAN,
KUNNUMPURATH PUTHIYPURAYIL, MATTOOL PO,
PAZHAYANGADI, KANNUR DISTRICT, PIN - 670 325.

R2 BY ADV. SMT.KEERTHI K.NARAYANAN

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. 7396 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES :-

**ANNEXURE A1 : ATTESED COPY OF THE FIR IN CRIME NO. 627/15 OF
PAZHAYANGADI POLICE STATION, DATED 9/7/2015.**

**ANNEXURE A2 : TRUE COPY OF THE AGREEMENT ENTERED INTO BETWEEN THE
FIRST PETITIONER AND THE 2ND RESPONDENT, DATED 14/10/2015.**

**ANNEXURE A3 : AFFIDAVIT SWORN TO BY THE 2ND RESPONDENT, DATED
14/10/2015.**

RESPONDENT(S)' ANNEXURES :- NIL

//TRUE COPY//

P.A. TO JUDGE

rkj

P.UBAID, J.

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Crl.M.C.No.7396 of 2015
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Dated this the 24th day of November, 2015

ORDER

The petitioners seek orders quashing the F.I.R and further proceedings in Crime No.627 of 2015 of Pazhayangadi Police Station, registered under Section 498A read with Section 34 of the Indian Penal Code on the complaint of one Shamna P.K. Orders are sought on the ground of amicable settlement of the whole dispute between the accused and the de facto complainant out of court. The de facto complainant 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.

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; be it at the crime stage, or at the trial stage or even at the appellate or revision stage; if the

parties have really settled the whole dispute, or if continuance of the prosecution will not serve any purpose. Here, I find a real case of settlement between the parties and I also find that continuance of the prosecution in such a situation will not serve any purpose other than wasting the precious time of the court, when the case ultimately comes before the court.

3. The victim's affidavit shows that the whole matrimonial dispute stands resolved forever, and the marriage stands dissolved by pronouncement of talaq. The affidavit also shows that the victim has received all her dues under the law as a divorced muslim woman. In such a situation, it is appropriate that the prosecution be quashed.

In the result, this petition is allowed. The F.I.R and further proceedings in Crime No.627 of 2015 of Pazhayangadi Police Station will stand quashed under Section 482 of the Code of Criminal Procedure.

Sd/-

**P.UBAID
JUDGE**

rkj

//TRUE COPY//

P.A. TO JDUGE