

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. 7399 of 2015 ()

AGAINST CC 2287/2013 of J.M.F.C.-III, PUNALUR
CRIME NO. 394/2007 OF PATHANAPURAM POLICE STATION , KOLLAM

PETITIONER/ACCUSED(S):

NOUSHAD, AGED 42 YEARS,
S/O.MUHAMMED HANEEF,
PANAMOOTTIL HOUSE, KARYARA MURI,
PUNALUR VILLAGE, PATHANAPURAM TALUK,
KOLLAM DISTRICT.

BY ADV. SRI.N.P.PRAJEESH

RESPONDENTS/STATE & DE FACTO COMPLAINANT:

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1. STATE OF KERALA REPRESENTED BY
PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM – 682 031.
 2. NASEEMA, AGED 36 YEARS,
D/O.PATHUMUTHU, SHYLAJA MANSIL,
VAZHAPPARA, MANCODU P.O – 691 559,
PATHANAPURAM TALUK, KOLLAM .

R2 BY ADV. SRI.K.S.PRAVEEN
R1 BY PUBLIC PROSECUTOR SRI.JUSTIN JACOB

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

Crl.MC.No. 7399 of 2015

APPENDIX

PETITIONER'S EXHIBITS:

ANNEXURE A: CERTIFIED COPY OF THE F.I.R IN C.C. NO.2287/2013 PENDING
ON THE FILE OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT-III, PUNALUR

ANNEXURE B: ORIGINAL OF THE AFFIDAVIT DATED 20.11.2015 SWORN TO
BY THE 2ND RESPONDENT

RESPONDENTS EXHIBITS:

/TRUE COPY/

P.A TO JUDGE

P. UBAID, J.

Crl.M.C.No.7399 of 2015

Dated this the 24th day of November, 2015

O R D E R

The petitioner herein is the accused in C.C. No.2287/2013 of the Judicial First Class Magistrate Court-III, Punalur. 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 Sections 498-A, 323, 452, 294(b), 341 and 506(ii) read with 34 IPC, on the complaint of one Naseema, 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. Her affidavit shows that the whole matrimonial dispute stands resolved forever, and that the marriage stands dissolved by pronouncement of 'Talaq'. It is submitted that the victim has already received her dues under the law as a divorced Muslim woman. In such a situation, it is appropriate that the prosecution be quashed.

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.

In the result, this petition is allowed. The prosecution against the petitioners herein in C.C. No.2287/2013 of the Judicial First Class Magistrate Court-III, Punalur 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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// True Copy //

P.A. to Judge