

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. 7400 of 2015 ()

AGAINST CC 1747/2014 of JUDICIAL FIRST CLASS MAGISTRATE COURT,
MATTANCHERY
CRIME NO. 1057/2014 OF MATTANCHERRY POLICE STATION , ERNAKULAM

PETITIONERS/ACCUSED:

1. ANAS, AGED 37 YEARS,
S/O.LATE SAYED,ALAMPARAMBIL HOUSE,
PUTHUVASSERY PARAMBU, COCHIN -2.
2. T.B.SUHARA, AGED 68,
W/O.LATE SAYED, ALAMPARAMBIL HOUSE,
PUTHUVASSERY PARAMBU, COCHIN -2.
3. VAHIDA A.S., AGED 32 YEARS,
D/O.LATE SAYED, ALAMPARAMBIL HOUSE,
PUTHUVASSERY PARAMBU, COCHIIN -2.

BY ADV. SRI.P.A.ISMAIL

RESPONDENTS/STATE & DE FACTO COMPLAINANT:

1. STATE OF KERALA REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.
2. AFEERA,W/O.ANAS, AGED 28 YEARS,
C.C NO.11/158, KALVATHY, MATTANCHERRY,
ERNAKULAM DISTRICT – 682 002.

R2 BY ADV. SMT.P.M.RASNA

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. 7400 of 2015

APPENDIX

PETITIONERS EXHIBITS

ANNEXURE A1: THE CERTIFIED COPY OF CHARGE SHEET FILED IN CRIME
NO.1057/14 DTD 10/10/2014 OF MATTANCHERRY POLICE STATION

ANNEXURE A2: THE PHOTO COPY OF ORDER OF SETTLEMENT OF DISPUTES
BETWEEN THE 1ST PETITIONER AND 2ND RESPONDENT DTD 11/8/2015 AT
ERNAKULAM MEDIATION CENTRE

RESPONDENTS EXHIBITS:

/TRUE COPY/

P.A TO JUDGE

P. UBAID, J.

Crl.M.C.No.7400 of 2015

Dated this the 24th day of November, 2015

O R D E R

The petitioners herein are the accused in C.C. No.1747/2014 of the Judicial First Class Magistrate Court, Mattanchery. 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 323, 324 and 498-A IPC, on the complaint of one Afeera, 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 she has joined her husband in matrimony in terms of the settlement arrived at. 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.1747/2014 of the Judicial First Class Magistrate Court, Mattanchery 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

sd

// True Copy // P.A. to Judge