

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 26TH DAY OF NOVEMBER 2015/5TH AGRAHAYANA, 1937

Crl.MC.No. 7433 of 2015 ()

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CC 1214/2015 of JUDICIAL FIRST CLASS MAGISTRATE COURT, PARAPPANANGADI
CRIME NO. 600/2015 OF THENHIPALAM POLICE STATION , MALAPPURAM DISTRICT
=====**

PETITIONER/ACCUSED:

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ABDUL JALEEL K.P., AGED 28 YEARS
S/O.HASSAN, KARODI PURAYIL HOUSE
PULLIPARAMBU PO., CHELEMBRA
MALAPPURAM DISTRICT**

**BY ADVS.SRI.K.S.ARUN KUMAR
SRI.M.S.DILEEP**

RESPONDENTS/STATE AND DEFACTO COMPLAINANT:

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1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM, PIN 682031**

**2. JAMSHEERA, AGED 30 YEARS
W/O.RAFEEQ, SULUNGI MANZIL, PULLIPARAMBU PO
CHELAMBRA, MALAPPURAM DISTRICT, PIN 673634**

**R2 BY ADV. SRI.P.A.VIBIN
R1 BY PUBLIC PROSECUTOR SMT. SHEEBA M.T.**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 26-11-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Crl.MC.No. 7433 of 2015 ()

APPENDIX

PETITIONER'S EXHIBITS

**ANNEXURE I: TRUE COPY OF THE CHARGE SHEET IN CC.NO.1214/2015 OF JFCM
COURT, PARAPPANANGADI**

**ANNEXURE II: TRUE COPY OF THE AFFIDAVIT SWORN BY THE SECOND
RESPONDENT**

RESPONDENTS' EXHIBITS

NIL

// TRUE COPY//

P.A. TO JUDGE

SD

P. UBAID, J.

Crl.M.C.No.7433 of 2015

Dated this the 26th day of November, 2015

O R D E R

The petitioner herein is the accused in C.C.No.1214/2015 of the Judicial First Class Magistrate Court, Parappanangadi. 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 447 and 354(c) IPC, on the complaint of one Jamsheera, 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 she came to terms quite voluntarily, and she thought it appropriate to settle the matter in her best interest. There is reason to believe that she made the complaint on some misapprehension. Any way, the whole dispute stands resolved forever. 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 petitioner herein in C.C.No.1214/2015 of the Judicial First Class Magistrate Court, Parappanangadi, 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

sd

// True Copy //

P.A. To Judge