

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. 7437 of 2015 ()

**-----
CC 585/2013 of CHIEF JUDICIAL MAGISTRATE COURT, KASARAGOD
CRIME NO. 672/2012 OF KUMBLA POLICE STATION, KASARGOD
=====**

PETITIONERS/ACCUSED:

**-----
ABDUL JALEEL C.M., AGED 32 YEARS
S/O.MOHAMMED CM, R/AT MAHSHOONA MANZIL
KOPPALAM, MOGRALPUTHUR PO, KASARAGOD DISTRICT**

BY ADV. SRI.KODOTH SREEDHARAN

RESPONDENTS/COMPLAINANT:

-
- 1. STATE OF KERALA
THROUGH THE STATION HOUSE OFFICER
KUMBLA POLICE STATIO
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM**
 - 2. JAIBUNNISA, AGED 25 YEARS
D/O.MOIDEEN KUNHI, R/AT K.K.PURAM HOUSE, MANDEKAP
P.O.KUDALMERKALA, KASARAGOD DISTRICT**
- R2 BY ADV. SMT.C.H.ABEENA
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:**

APPENDIX

PETITIONER'S EXHIBITS

ANNEXURE I:TRUE COPY OF THE AGREEMENT DT. 17.07.2014

ANNEXURE II:TRUE COPY OF THE AFFIDAVIT

**ANNEXURE III:CERTIFIED COPY OF THE FIR IN CR.NO.672/2012 OF KUMBLA POLICE
STATION DATED 30.10.2012**

**ANNEXURE IV:CERTIFIED COPY OF THE FINAL REPORT IN CR.NO.672/2012 OF
KUMBLA POLICE STATION, DATED 27.06.2013**

RESPONDENTS' EXHIBITS

NIL

// TRUE COPY //

P.A. TO JUDGE

SD

P. UBAID, J.

Crl.M.C.No.7437 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.585/2013 of the Chief Judicial Magistrate Court, Kasaragod. 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 Section 498-A IPC, on the complaint of one Jaibunnisa, 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, the marriage stands dissolved by pronouncement of Talaq, and the claims of the victim also stand settled. 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.585/2013 of the Chief Judicial Magistrate Court, Kasaragod, 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