

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. 7462 of 2015 ()

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CC 726/2013 of JUDICIAL FIRST CLASS MAGISTRATE COURT-I, HOSDRUG
CRIME NO. 863/2012 OF CHANDERA POLICE STATION, KASARGOD DISTRICT
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PETITIONERS/A1,A3 & A4:

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1. SAFIYA A., AGED 45 YEARS
W/O JAMALUDHEEN, A.B.HOUSE, KAVILIYATTU
SOUTH TRIKARIPUR VILLAGE, HOSDURG TALUK
KASARAGOD DISTRICT.**

**2. JAMALUDHEEN K., AGED 53 YEARS
S/O KUNHIMOIDEEN, A.B.HOUSE, KAVILIYATTU
SOUTH TRIKARIPUR VILLAGE, HOSDURG TALUK
KASARAGOD DISTRICT.**

**3. JASSER, AGED 26 YEARS
S/O JAMALUDHEEN, A.B.HOUSE, KAVILIYATTU
SOUTH TRIKARIPUR VILLAGE, HOSDURG TALUK
KASARAGOD DISTRICT.**

BY ADV. SRI.S.VISHNU (TRIPUNITHURA)

RESPONDENTS/COMPLAINANT:

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1. FADHIYA ABDUL KHADER, AGED 33 YEARS
W/O ABDUL KHADER, A.B.HOUSE, KAVILIYATTU
SOUTH TRIKARIPUR VILLAGE, HOSDURG TALUK
KASARAGOD DISTRICT.**

**2. STATE OF KERALA
REPRESENTED BY THE S.I. OF POLICE
CHANDERA POLICE STATION
(CRIME NO.863/2012) REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682031.**

**R1 BY ADV. SRI.N.K.MANOJ KUMAR
R2 BY PUBLIC PROSECUTOR SRI. JUSTIN JACOB**

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

APPENDIX

PETITIONERS' EXHIBITS

**ANNEXURE I: A CERTIFIED COPY OF THE FINAL REPORT ASC.C.726/13 PENDING ON
THE FILE OF JFCM-I COURT, HOSDURG.**

ANNEXURE II: AFFIDAVIT SWORN BY R1 THE DEFACTO COMPLAINANT

RESPONDENTS' EXHIBITS

NIL

// TRUE COPY //

P.A. TO JUDGE

SD

P. UBAID, J.

Crl.M.C.No.7462 of 2015

Dated this the 26th day of November, 2015

O R D E R

The petitioners herein are the accused Nos.1,3 and 4 in C.C.No.716/2013 of the Judicial First Class Magistrate Court-I, Hosdurg. The 2nd respondent being a juvenile, the case against him was filed before the Juvenile Justice Board. It is submitted that the said case stands disposed of. The petitioners seeks 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 Section 452, 323 and 506(i) read with 34 IPC, on the complaint of one Fadhiya, who is the 1st 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.

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.716/2013 of the Judicial First Class Magistrate Court-I, Hosdurg, 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

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// True Copy //

P.A. To Judge