

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 27TH DAY OF NOVEMBER 2015/6TH AGRAHAYANA, 1937

Crl.MC.No. 7471 of 2015

SC 450/2015 OF ADDITIONAL SESSIONS COURT (FAST TRACK-I), MANJERI

CRIME NO. 308/2012 OF KOLATHUR POLICE STATION, MALAPPURAM

PETITIONER(S)/ACCUSED NOS. 1 TO 4 :-

1. JAFFER, AGED 29 YEARS,
S/O.MUHAMMED, KALLIDUMBIL HOUSE, POOKKODE,
PANG P.O., PERINTHALMANNA, MALAPPURAM DISTRICT.
2. KADHEEJA, AGED 51 YEARS,
W/O.MUHAMMED, KALLIDUMBIL HOUSE, POOKKODE,
PANG P.O., PERINTHALMANNA, MALAPPURAM DISTRICT.
3. MUHAMMED, AGED 58 YEARS,
KALLIDUMBIL HOUSE, POOKKODE, PANG P.O.,
PERINTHALMANNA, MALAPPURAM DISTRICT.
4. JASEENA, AGED 29 YEARS,
D/O.MUHAMMED, KALLIDUMBIL HOUSE, POOKKODE,
PANG P.O., PERINTHALMANNA, MALAPPURAM DISTRICT.

**BY ADVS.SRI.C.M.KAMMAPPU
SMT.N.S.FATHIMATH SUHRA**

RESPONDENT(S)/STATE & DEFACTO COMPLAINANT/INJURED :-

1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM-682031. (THROUGH STATION HOUSE OFFICER,
PERINTHALMANNA POLICE STATION, MALAPPURAM DISTRICT).
2. JAFLA, AGED 23 YEARS,
D/O.K.T.USMAN, KALLINGALTHODI VEEDU,
KURUVAMBALAM AMSHAM, VALAPURAM DESAM,
PERINTHALMANNA TALUK, MALAPPURAM DISTRICT-676125.

**R2 BY ADV. SRI.MANSOOR.B.H.
R1 BY SRI.JUSTIN JACOB, PUBLIC PROSECUTOR**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 27-11-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

rkj

Crl.MC.No. 7471 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES :-

**ANNEXURE-I : CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO.308/12 OF
KOLATHUR POLICE STATION.**

RESPONDENT(S)' ANNEXURES :- NIL

//TRUE COPY//

P.A. TO JUDGE

rkj

P.UBAID, J.

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Crl.M.C.No.7471 of 2015
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Dated this the 27th day of November, 2015

ORDER

The petitioners herein are the four accused in S.C.No.450 of 2015 of the Additional Sessions Court (Formerly Fast Track -I), Manjeri. They seek orders quashing the prosecution on the ground of amicable settlement of the whole dispute between them and the defacto complainant. Crime in this case was registered under Sections 406, 498(A) and 315 read with Section 34 of the Indian Penal Code on the complaint of one Jafla, 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.

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.

3. The victim's affidavit shows that the whole matrimonial dispute stands resolved forever, and the parties have parted ways in terms of the settlement. The claims also stand settled. In such a situation, it is appropriate that the prosecution be quashed.

In the result, this petition is allowed. The prosecution against the petitioners herein in S.C.No.450 of 2015 of the Additional Sessions Court (Fast Track -I) Manjeri 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**

rkj

//TRUE COPY//

P.A. TO JUDGE