

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 1ST DAY OF DECEMBER 2015/10TH AGRAHAYANA,
1937

Cr1.MC.No. 7522 of 2015

IN CC 170/2015 of JUDL.MAG.OF FIRST CLASS-I,MANJERI
CRIME NO. 411/2014 OF KALIKAVU POLICE STATION, MALAPPURAM

PETITIONER/ACCUSED :

ALAVI,
THULLISSERY VEEDU, KARAD, VELLAMPURAM P.O,
AMARAMBALAM, MALAPPURAM DISTRICT.

BY ADV. SRI.K.M.MOHAMED ABDURAHIMAN

RESPONDENTS/COMPLAINANT & STATE :

1. AYISHA,
VALLIKKAPPARAMBIL HOUSE, D/O. MOHAMMED, KALIKAVU,
NILAMBUR TALUK, MALAPPURAM DISTRICT
PIN - 676 525.
2. SUB INSPECTOR OF POLICE,
KALIKAVU POLICE STATION, MALAPPURAM DISTRICT.
PIN - 676 525
3. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682 031.

R1 BY ADV. SRI.C.T.BASHEER

R2 & R3 BY PUBLIC PROSECUTOR SRI.JUSTIN JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR
ADMISSION ON 01-12-2015, THE COURT ON THE SAME DAY
PASSED THE FOLLOWING:

Cr1.MC.No. 7522 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE A : COPY OF CHARGE SHEET DTD.29.12.2014 IN CRIME
NO.411/2014 OF KALIKAVU POLICE STATION, MALAPPURAM
DISTRICT.

ANNEXURE B : COPY OF FIR DTD.19.11.2014 IN CRIME
NO.411/2014 OF KALIKAVU POLICE STATION, MALAPPURAM
DISTRICT.

ANNEXURE C : AFFIDAVIT DTD.10.10.2015 OF DEFACTO
COMPLAINANT/RESPONDENT NO.1 STATING THE WHOLE MATTER OF
SETTLEMENT.

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

ab

P.UBAID, J.

Crl.M.C No. 7522 of 2015

Dated this the 1st day of December, 2015

O R D E R

The petitioner herein is the accused in C.C No.170/2015 of the Judicial First Class Magistrate Court I, Manjeri. 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 406 and 498(A) r/w 34 of the Indian Penal Code on the complaint of one Ayisha who is the first 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 the further prosecution 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. The victim's affidavit shows that the whole matrimonial dispute stands resolved forever. It is submitted that the parties have parted ways in terms of the settlement, and the claims of the victim 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 petitioner herein in C.C No.170/2015 of the Judicial First Class Magistrate Court I, Manjeri 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**

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