

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

Crl.MC.No. 7543 of 2015

CRIME NO. 151/2015 OF MUKKOM POLICE STATION, KOZHIKODE

PETITIONER(S)/ACCUSED NOS.1 AND 2 :-

- 1. ABDUL RASHEED, AGED 43 YEARS,
S/O.HAMZA, KOYILATT HOUSE, KIZHAKKOTH P.O.,
KODUVALLY, KOZHIKODE.**
- 2. ABDU RAHIMAN, AGED 56 YEARS,
S/O.MOIDEEN, KOODAMPOYIL HOUSE,
KARASSERY AMSOM,
KARASERY P.O., KOZHIKODE.**

**BY ADVS.SRI.ABDUL JALEEL.A
SMT.M.A.SULFIA**

RESPONDENT(S)/STATE AND DEFACTO COMPLAINANT :-

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, KOCHI-682031.**
- 2. SHAHIRA BANU, AGED 27 YEARS, D/O.MAYIN,
THACHANGODAN HOUSE, PANDIKKAD P.O.,
VALLIKKAPARAMBU, MALAPPURAM DISTRICT.**

**R2 BY ADV. SRI.A.E.ALIYAR
R1 BY SMT.MADHUBEN, PUBLIC PROSECUTOR**

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

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APPENDIX

PETITIONER(S)' ANNEXURES :-

**ANNEXURE A1 : CERTIFIED COPY OF FIR AND FIS IN CRIME NO.151/2015 OF
MUKKAM POLICE STATION.**

**ANNEXURE A2 : TRUE COPY OF NOTARIZED AGREEMENT DATED 26.08.2015
ENTERED INTO BETWEEN THE PETITIONER AND 2ND
RESPONDENT.**

ANNEXURE A3 : AFFIDAVIT SWORN BY 2ND RESPONDENT/DEFACTO COMPLAINANT.

RESPONDENT(S)' ANNEXURES :- NIL

//TRUE COPY//

P.A. TO JUDGE

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P.UBAID, J.

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Crl.M.C.No.7543 of 2015
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Dated this the 1st day of December, 2015

ORDER

The petitioners seek orders quashing the F.I.R and further proceedings in Crime No.151 of 2015 of the Mukkam Police Station, Kozhikode registered under Sections 406 and 420 of the Indian Penal Code on the complaint of one Shahira Banu. Orders are sought on the ground of amicable settlement of the whole dispute between the accused and the defacto complainant out of court. The defacto complainant 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.

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; be it at the crime

stage or at the trial stage or even at the appellate or revision stage; if the parties have really settled the whole dispute, or if continuance of the prosecution will not serve any purpose. Here, I find a real case of settlement between the parties, and I also find that continuance of the prosecution in such a situation will not serve any purpose other than wasting the precious time of the court, when the case ultimately comes before the court.

In the result, this petition is allowed. The F.I.R and further proceedings in Crime No.151 of 2015 of the Mukkam Police Station, Kozhikode will stand quashed under Section 482 of the Code of Criminal Procedure.

Sd/-
P.UBAID
JUDGE

rkj

//TRUE COPY//

P.A. TO JUDGE