

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 2ND DAY OF DECEMBER 2015/11TH AGRAHAYANA,
1937

Cr1.MC.No. 7549 of 2015

IN C.C 477/2013 OF THE JUDICIAL FIRST CLASS MAGISTRATE
COURT, PAYYANNUR
CRIME NO.798/2012 OF PERINGOME POLICE STATION, KANNUR

PETITIONERS/ACCUSED NO.1 TO 3:

1. ABDUL MUTHALEEB M.K, AGED 47 YEARS,
S/O.SULAIMAN V.P., ECHILAMPARA,
PADIYOTCHAL P.O, PERINGOME AMSOM,
KANNUR DISTRICT.
2. ALIYUMMA M.K, AGED 63 YEARS,
W/O.SULAIMAN V.P., ECHILAMPARA,
PADIYOTCHAL P.O, PERINGOME AMSOM, KANNUR DISTRICT.
3. RAMLATH M.K, AGED 37 YEARS,
D/O.SULAIMAN V.P., NEAR VAYAKKARA JUMA MASJID,
PADIYOTCHAL P.O, PERINGOME AMSOM, KANNUR DISTRICT.

BY ADVS.SRI.ZUBAIR PULIKKOOL
SRI.P.S.BINU

RESPONDENTS/COMPLAINANT:

1. M.SAINABI, AGED 43 YEARS,
D/O.HAMZA, KAIPPADU HOUSE, THANKAYAM,
TRIKKARIPUR AMSOM DESOM, TRIKKARIPUR P.O,
KASARAGOD DISTRICT.
2. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM

R1 BY ADV. SMT.A.P.RUFAlJA
R2 BY PUBLIC PROSECUTOR SMT.SHEEBA M.T

THIS CRIMINAL MISC. CASE HAVING COME UP FOR
ADMISSION ON 02-12-2015, THE COURT ON THE SAME DAY
PASSED THE FOLLOWING:

Cr1.MC.No. 7549 of 2015

APPENDIX

PETITIONERS' ANNEXURES:

ANNEXURE-I: COPY OF THE FINAL REPORT IN CRIME NO.798/12
OF PERINGOME POLICE STATION.

ANNEXURE-II: THE ORIGINAL COPY OF THE AFFIDAVIT OF IST
RESPONDENT

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.7549 of 2015

Dated this the 2nd day of December, 2015

O R D E R

The petitioners herein are the three accused in C.C No.477/2013 of the Judicial First Class Magistrate Court, Payyannur. They seek 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 Sections 498(A) and 494 r/w 34 of the Indian Penal Code on the complaint of one Sainabi 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 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, the marriage stands dissolved by pronouncement of Talaq and the victim has received all her claims under the law from the first petitioner, as a divorced Muslim woman. 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 C.C No.477/2013 of the Judicial First Class Magistrate Court, Payyannur 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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