

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. 7571 of 2015

IN CC 84/2015 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT II,
KANNUR

PETITIONERS/ACCUSED NO. 1 TO 4:

1. MOHAMMED RAMSEER, AGED 28 YEARS,
S/O ABDUL ROUF, RESIDING AT ZOUJAS, KOTTALI P.O,
KANNUR TALUK, KANNUR DISTRICT.
2. MUMTHAZ M, AGED 44 YEARS,
D/O MUSTHAFI, RESIDING AT ZOUJAS, KOTTALI P.O,
KANNUR TALUK, KANNUR DISTRICT.
3. NOUSHAD K.V, AGED 48 YEARS,
S/O HAMEED, RESIDING AT ZOUJAS, KOTTALI P.O,
KANNUR TALUK, KANNUR DISTRICT.
4. MOHAMMED RANEESH, AGED 26 YEARS,
S/O ABDUL ROUF, RESIDING AT ZOUJAS, KOTTALI P.O,
KANNUR TALUK, KANNUR DISTRICT.

BY ADVS.SRI.SUNIL NAIR PALAKKAT
SRI.K.N.ABHILASH

RESPONDENTS/STATE AND DEFACTO COMPLAINANT:

1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, KOCHI-682031.
2. STATION HOUSE OFFICER,
VALAPATTANAM POLICE STATION, KANNUR 670 010.
3. JESNI ABDUL NAZIR, AGED 23 YEARS,
D/O ABDUL NAZIR, RESIDING AT JAMEELAS,
CHIRAKKAL POST,
KANNUR DISTRICT-670011.

R3 BY ADV. SRI.MOHAMMED SHAHEER
R1 &2 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. 7571 of 2015

APPENDIX

PETITIONERS' ANNEXURES:

ANNEXURE A1: THE CERTIFIED COPY OF THE FINAL REPORT IN C
NO.84/2015 DATED 25.12.2014 ON THE FILE OF JFCM-II, KANNUR.

ANNEXURE A2: AFFIDAVIT DATED 15.8.2015 SWORN BY THE 3RD
RESPONDENT.

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No. 7571 of 2015

Dated this the 2nd day of December, 2015

O R D E R

The petitioners herein are the four accused in C.C No.84/2015 of the Judicial First Class Magistrate Court II, Kannur. 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 Section 498A of the Indian Penal Code on the complaint of one Jesni Abdul Nazir who is the third 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, she has already filed an application for divorce before the Family Court in terms of the settlement, and that her 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 C.C No.84/2015 of the Judicial First Class Magistrate Court II, Kannur 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//