

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 8TH DAY OF DECEMBER 2015/17TH AGRAHAYANA, 1937

Crl.MC.No. 7655 of 2015 ()

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CC 202/2014 of JUDICIAL FIRST CLASS MAGISTRATE COURT-II ,PUNALUR
CRIME NO. 1718/2012 OF PUNALUR POLICE STATION, KOLLAM DISTRICT
=====**

PETITIONER/ACCUSED 1-7:

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- 1. ABDUL LATHEEF, AGED 45 YEARS
S/O.MEERA SAHIB, RESIDING AT EETTIVILA VEEDU
THUMBARA, KARIYARA, PUNALUR, KOLLAM DISTRICT.**
 - 2. AMINA BEEVI, AGED 63 YEARS
W/O.MEERA SAHIB, RESIDING AT EETTIVILA VEEDU
THUMBARA, KARIYARA, PUNALUR, KOLLAM DISTRICT.**
 - 3. MEERA SAHIB, AGED 78 YEARS
RESIDING AT EETTIVILA VEEDU, THUMBARA, KARIYARA
PUNALUR, KOLLAM DISTRICT.**
 - 4. SHAJAHAN, AGED 43 YEARS
S/O.SHAMSUDHEEN, RESIDING AT EETTIVILA VEEDU
THUMBARA, KARIYARA, PUNALUR, KOLLAM DISTRICT.**
 - 5. SIMLA SHAJAHAN, AGED 40 YEARS
W/O.SHAJAHAN, RESIDING AT EETTIVILA VEEDU
THUMBARA, KARIYARA, PUNALUR, KOLLAM DISTRICT.**
 - 6. BINILA, AGED 38 YEARS
W/O.SHIHAB, RESIDING AT EETTIVILA VEEDU
THUMBARA, KARIYARA, PUNALUR, KOLLAM DISTRICT.**
 - 7. JALEELA, AGED 34 YEARS
W/O.NOUSHAD, RESIDING AT EETTIVILA VEEDU
THUMBARA, KARIYARA, PUNALUR, KOLLAM DISTRICT.**

**BY ADVS.SRI.A.JAYASANKAR
SRI.C.V.MANUVILSAN
SRI.MANU GOVIND
SMT.K.VIDYA**

RESPONDENTS/DEFACTO COMPLAINANT:

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- 1. STATE OF KERALA
REPRESENTED BY THE SUB INSPECTOR OF POLICE
PULANUR POLICE STATION
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM, PIN-682 031**

**2. JALEELA K., AGED 32 YEARS
D/O.MUHAMMED KAZIM, RESIDING AT SASTHAMKULAM
PURAYIDAM, KULASEKHARAPATHI, KOLLAM DISTRICT.**

**R2 BY ADV. SRI.ARUN.B.VARGHESE
R1 BY PUBLIC PROSECUTOR SRI. JUSTIN JACOB**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 08-12-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

APPENDIX

PETITIONERS' EXHIBITS

**ANNEXURE-A1. A TRUE COPY OF THE FIR IN CRIME NO.1358/2012 OF
PATHANAMTHITTA POLICE STATION.**

**ANNEXURE-A2. A TRUE COPY OF THE FINAL REPORT IN CRIME NO.1718/2012 OF
PUNALUR POLICE STATION, KOLLAM.**

**ANNEXURE-A3. AFFIDAVIT SOLEMNLY AFFIRMED BY THE 2ND RESPONDENT AS HE
HAS NO GRIEVANCE AGAINST THIS PETITIONER**

RESPONDENTS' EXHIBITS

NIL

// TRUE COPY //

P.A. TO JUDGE

SD

P. UBAID, J.

Crl.M.C.No.7655 of 2015

Dated this the 8th day of December, 2015

O R D E R

The petitioners 1 and 2 herein are the two accused in C.C.No.202/2014 of the Judicial First Class Magistrate Court-II, Punalur. The petitioners 3 to 7 are not the accused in the said case. The 1st and the 2nd accused 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 read with 34 IPC, on the complaint of one Jaleela, 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.

In the result, this petition is allowed. The prosecution against the petitioners 1 and 2 herein in C.C.No.202/2014 of the Judicial First Class Magistrate Court-II, Punalur 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 //

P.A. to Judge