

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. 7662 of 2015 ()

IN CC 137/2012 of JUDICIAL FIRST CLASS MAGISTRATE COURT.-II,KOTTARAKKARA

CRIME NO. 576/2011 OF POOYAPALLY POLICE STATION , KOLLAM

PETITIONER(S)/ACCUSED:

**SAJAS AGED 31 YEARS
S/O.ABDULKHADAER, MANNARAZHIKATH HOUSE, VANNAKKADAVU
VILAKKUDY VILLAGE, PATHANAPURAM TALUK
KOLLAM DISTRICT.**

**BY ADVS.SRI.ANIL K.MOHAMMED
SRI.V.S.MANSOOR**

RESPONDENT(S)/COMPLAINANT & DEFACTO COMPLAINANT:

- 1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.**
 - 2. SHYMA SHAJAHAN
D/O.SHAJAHAN, SHAMLA MANZIL, KARINGANNOOR
KOTTARAKARA TALUK, KOLLAM DISTRICT-691 102.**
- R2 BY ADV. SRI.S.MOHAMMED AL RAFI
R1 BY SRI JUSTIN JACOB, PUBLIC PROSECUTOR**

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

Crl.MC.No. 7662 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS:

**ANNEXURE A : COPY OF FINAL REPORT IN CC NO.137/2012 OF JUDICIAL
FIRST CLASS MAGISTRATE COURT-II, KOTTARAKKARA.**

ANNEXURE B : AFFIDAVIT DATED 9-11-2015 SWORN BY 2ND RESPONDENT.

RESPONDENT(S)' EXHIBITS: N I L

//TRUE COPY//

P.A. TO JUDGE

JV

P. UBAID, J.

Crl.M.C.No.7662 of 2015

Dated this the 8th day of December, 2015

O R D E R

The petitioner herein is the accused in C.C.No.137/2012 of the Judicial First Class Magistrate Court-II, Kottarakara. 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 Section 498A IPC, on the complaint of one Shyma Shajahan, 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. Her affidavit shows that the whole matrimonial dispute stands resolved forever, the marriage stands dissolved by pronouncement of Thalaq, and that the claims also stand settled. In such a situation, it is appropriate that the prosecution be quashed.

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 petitioner herein in C.C.No.137/2012 of the Judicial First Class Magistrate Court-II, Kottarakara 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

sd

// True Copy //

P.A. to Judge