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. 7666 of 2015 ()

IN CC 924/2013 of JUDICIAL FIRST CLASS MAGISTRATE COURT,MALAPPURAM

PETITIONER(S)/ACCUSED:

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1. **NAJEEB AGED 33 YEARS**
   S/O.ABDUL KHADER, PUVALLUR HOUSE, EAST PANG
   PANG PO, MALAPPURAM DISTRICT.

2. **ABDUL KHADER AGED 53 YEARS**
   S/O.RAYIN MUSALIYAR, PUVALLUR HOUSE, EAST PANG
   PANG PO, MALAPPURAM DISTRICT

3. **KHADEEJA AGED 51 YEARS**
   W/O.ABDUL KHADER, PUVALLUR HOUSE, EAST PANG
   PANG PO, MALAPPURAM DISTRICT

   BY ADV. SRI.SUNNY MATHEW

RESPONDENTS/COMPLAINANT & STATE:

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1. **RUBY FARSANA**
   D/O.USMAN, PALOLI HOUSE, CHEMMANKADAVU
   KOSSUR PO, MALAPPURAM DISTRICT.

2. **THE SUB INSPECTOR OF POLICE**
   MALAPPURAM POLICE STATION, MALAPPURAM DISTRICT.

3. **STATE OF KERALA**
   (RESPONDENTS 2 AND 3 REPRESENTED BY THE PUBLIC PROSECUTOR
   HIGH COURT OF KERALA, ERNAKULAM)

   R1 BY ADV. SRI.C.C.ANOOP
   R2 & R3 BYADV.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. 7666 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE A1 : **COPY OF THE FINAL REPORT IN CC NO.924/2013 ON THE FILE OF THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE, MALAPPURAM.**

ANNEXURE A2 : **COPY OF THE AFFIDAVIT SWORN BY THE 1ST RESPONDENT.**

RESPONDENT(S)' EXHIBITS: N I L

//TRUE COPY//

P.A. TO JUDGE

JV

P. UBAID, J.

Crl.M.C.No.7666 of 2015

Dated this the 8th day of December, 2015

O R D E R

The petitioners herein are the accused in C.C.No.924/2013 of the Judicial First Class Magistrate Court, Malappuram. 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 323, 498A, 406 and 34 IPC, on the complaint of one Ruby Farsana, who is the 1st 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, and that the parties have parted ways in terms of the settlement arrived at out of curt. The affidavit also shows that the victim has received all her dues from her husband. 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 petitioners herein in C.C.No.924/2013 of the Judicial First Class Magistrate Court, Malappuram 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

sd // True Copy // P.A. to Judge