

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. 7668 of 2015 ()

IN CC 1059/2014 of CHIEF JUDICIAL MAGISTRATE COURT.,KASARAGOD

CRIME NO. 175/2014 OF MANJESWAR POLICE STATION , KASARGOD

PETITIONER(S)/ACCUSED:

- 1. MOHAMMED SIRAJ AGED 31 YEARS
S/O.ABDUL AZEEZ, R/AT KURCHIPPALLAM HOUSE, SIRAJMANZIL
NR.KNH HOSPITAL, BAPPAYATHOTTIL POST, UPPALA
KASARAGOD TALUK AND DISTRICT.**
- 2. NOORUNNISA AGED 50 YEARS
W/O.ABDUL AZEEZ, R/AT KURCHIPPALLAM HOUSE, SIRAJ MANZIL
NR.KNH HOSPITAL, BAPPAYATHOTTIL POST, UPPALA
KASARAGOD TALUK AND DISTRICT.**
- 3. HASEENA AGED 36 YEARS
W/O.NASEER, R/AT KURCHIPPALLAM HOUSE, SIRAJ MANZIL
NR.KNH HOSPITAL, BAPPAYATHOTTIL POST, UPPALA
KASARAGOD TALUK AND DISTRICT.**

**BY ADVS.SRI.T.B.SHAJIMON
SMT.GOVINDU P.RENUKADEVI**

RESPONDENTS/RESPONDENTS/COMPLAINANT/STATE:

- 1. UMRAAZ FATHIMA, AGED 22 YEARS
D/O.LATE REHMAN SHEREEF
RESIDING AT ADDANTRAKAD HOUSE, KULLOOR VILLAGE POST
CHARLA VIA MANJESHWAR, KASARAGOD TALUK AND DISTRICT.**
- 2. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.**

**R1 BY ADV. SRI.LOHITHAKSHAN CHATHADI KANNOTH
R2 BY ADV.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. 7668 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE A1 : COPY OF THE FINAL REPORT.

RESPONDENT(S)' EXHIBITS: N I L

//TRUE COPY//

P.A. TO JUDGE

JV

P. UBAID, J.

Crl.M.C.No.7668 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.1059/2014 of the Chief Judicial Magistrate Court, Kasaragod. 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 498A and 34 IPC, on the complaint of one Umraaz Fathima, 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 she has joined her husband in matrimony in terms of the settlement. It is submitted that the parties are now very happy in matrimony. 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.1059/2014 of the Chief Judicial Magistrate Court, Kasaragod 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