

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. 7670 of 2015 ()

IN CC 364/2013 of JUDICIAL FIRST CLASS MAGISTRATE COURT.-I,NEDUMANGAD

CRIME NO. 664/2013 OF VALIAMALA POLICE STATION, THIRUVANANDAPURAM

PETITIONER(S)/A1 TO A3:

1. **SHAIJU.J.N, S/O JALALUDHEEN
SHAIJU MANZIL, ATTUKAL JUNCTION
CHULLIMANOR PO, ANAD VILLAGE
NEDUMANGAD TALUK, TRIVANDRUM**
2. **LATHEEFA BEEVI,
W/O JALALUDHEEN
SHAIJU MANZIL, ATTUKAL JUNCTION
CHULLIMANOR PO, ANAD VILLAGE
NEDUMANGAD TALUK, TRIVANDRUM**
3. **JASMIN
D/O JALALUDHEEN
SHAIJU MANZIL, ATTUKAL JUNCTION
CHULLIMANOR PO, ANAD VILLAGE
NEDUMANGAD TALUK, TRIVANDRUM**

BY ADV. SRI.M.R.SARIN

RESPONDENT(S):

1. **THE STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM**
2. **MUBEENA, AGED 23 YEARS
D/O MUSEEBA BEEVI, M.AM HOUSE,
PANAVOOR VILLAGE, PANAVOOR PO
NEDUMANGAD TALUK, TRIVANDRUM - 695 501**

R2 BY ADV. SRI.AJAYA KUMAR. G

R1 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.M.C.NO.7670/2015

APPENDIX

PETITIONERS' ANNEXURES:

- A1 : COPY OF HTE FIR NO.664/2013 OF VALIYAMALA POLICE STATION**
- A2 : COPY OF HTE FINAL REPORT IN CC NO.364/2012 PENDIGN BEFORE JFCM-1 COURT, NEDUMANGAD**
- A3 : AFFIDAVIT SIGNED BY THE 2ND RESPONDENT**

RESPONDENTS' ANNEXURES: N I L

//TRUE COPY//

P.A. TO JUDGE

JV

P. UBAID, J.

Crl.M.C.No.7670 of 2015

Dated this the 8th day of December, 2015

O R D E R

The 1st petitioner herein is the sole accused in C.C.No.364/2014 of the Judicial First Class Magistrate Court-I, Nedumangad. The 2nd and 3rd petitioners are not accused in the said case. The 1st petitioner herein 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 Sections 498A IPC, on the complaint of one Mubeena, 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 1st petitioner herein in C.C.No.364/2014 of the Judicial First Class Magistrate Court-I, Nedumangad will stand quashed under Section 482 of the Code of Criminal Procedure. Accordingly, the 1st 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