

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. 7672 of 2015 ()

IN CC 586/2013 of CHIEF JUDICIAL MAGISTRATE COURT, KASARAGOD

CRIME NO. 314/2013 OF KUMBLA POLICE STATION , KASARGOD

PETITIONER(S)/ACCUSED:

1. **BEEFATHIMA, AGED 56 YEARS
W/O G.U.ADAM, R/AT ADAM MAHAL
NEAR PAI COMPOUND, KOYIPADY VILLAGE
KASARAGOD DISTRICT**
2. **RAZACK, AGED 28 YEARS, S/O G.U.ADAM
R/AT ADAM MAHAL
NEAR PAI COMPOUND, KOYIPADY VILLAGE
KASARAGOD DISTRICT**
3. **LATHEEF, AGED 33 YEARS, S/O MOOSA
R/AT YASAR MAHAL, ULINOOR
KOYIPADY VILLAGE, KASARAGOD DISTRICT**
4. **RAIHANA, AGED 22 YEARS
W/O OF RAZACK, R/AT ADAM MAHAL, NEAR PAI COMPOUND
KOYIPADY VILLAGE, KASARAGOD DISTRICT**

BY ADV. SRI.KODOTH SREEDHARAN

RESPONDENT(S)/COMPLAINANT:

1. **STATE OF KERALA THROUGH THE STATION HOUSE OFFICER
KUMBLA POLICE STATION,
REPRESENTED BY ITS PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM**
2. **HASEENA MOHAMMED NAZEER
AGED 25 YEARS, W/O MOHAMMED NAZEER,
R/AT BANGARAKUNNU HOUSE,
NELLIKUNNU, KASARAGOD DISTRICT**

R2 BY ADV. SMT.C.B.SUMA DEVI

R1 BY SRI JUSTIN JACOB, PUBLIC PROSECUTOR

**HIS 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.7672/2015

APPENDIX

PETITIONERS' ANNEXURE:

- ANNEXURE I : COPY OF THE COMPLAINT DATED 04.05.2013 BEFORE THE CHIEF JUDICIAL MAGISTRATE COURT, KASARAGOD**
- ANNEXURE II : COPY OF THE AFFIDAVIT DATED 19.10.2015 BY THE 2ND RESPONDENT**
- ANNEXURE III : COPY OF THE FINAL REPORT IN CR.NO.314/2013 OF KUMBLA POLICE STATION DATED 31.07.2013.**

RESPONDENTS' ANNEXURE: N I L

//TRUE COPY//

P.A. TO JUDGE

JV

P. UBAID, J.

Crl.M.C.No.7672 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.586/2013 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 403, 406, 420 and 498A IPC, on the complaint of one Haseena Mohammed Nazeer, 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. It is submitted from both sides that the victim has joined her husband in matrimony in terms of the settlement arrived at out of court, and that they 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.586/2013 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