

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 10TH DAY OF DECEMBER 2015/19TH AGRAHAYANA, 1937

Cr1.MC.No. 7725 of 2015 ()

CC 909/2015 OF THE JMFC, KAKKANAD (TEMPORARY)
CRIME NO.1016/2014 OF THADIYITTAPARAMBU POLICE STATION, ERNAKULAM

PETITIONER(S)/ACCUSED NO.1-2:

1. ABOOBACKER, AGED 49 YEARS
S/O OORAN, MAROTTIKKAL HOUSE, KIZHAKKAMBALAM VILLAGE
ERNAKULAM, PIN 683565
2. AYSHA, AGED 66 YEARS
W/O OORAN, MAROTTIKKAL HOUSE, KIZHAKKAMBALAM VILLAGE
ERNAKULAM, PIN 683565

BY ADV. SRI.K.SUNILKUMAR

RESPONDENT(S)/COMPLAINANT & STATE:

1. NADIRA, AGED 45 YEARS
D/O.PAREEKKUTTY, MANAPPATTU HOUSE, PINARMUNDA KARA
KUNNATHUNADU TALUK, ERNAKULAM, PIN 683565
2. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM

R1 BY ADV. SRI.PAUL K.VARGHESE

R2 BY PUBLIC PROSECUTOR SMT.SHEEBA M.T.

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
10-12-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Cr1.MC.No. 7725 of 2015 ()

APPENDIX

PETITIONER(S) ' EXHIBITS

ANNEXURE A1: COPY OF THE FINAL REPORT DATED 11.03.2015 IN
CC.NO.909/2015 ON THE FILE OF JFMC, KAKKANADU WHICH
AROSE FROM CRIME NO.1016/2014 OF THADIYITTAPARAMBU
POLICE STATION

ANNEXURE A2: AFFIDAVIT DATED 04.12.2015 SWORN BY THE 1ST RESPONDENT

RESPONDENT(S) ' EXHIBITS: NIL

//TRUE COPY//

PA TO JUDGE

bka/-

P. UBAID, J.

Crl. M.C. No. 7725 of 2015

Dated this the 10th day of December, 2015

O R D E R

The petitioners herein are accused nos. 1 & 2 in C.C No.909/2015 of the Judicial First Class Magistrate Court, Kakkanadu. 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 498(A), 506(1) and 34 of IPC on the complaint of one Nadira, 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.

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

..2..

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. The victim's affidavit shows that the whole matrimonial dispute stands resolved for ever. It is submitted from both sides that the parties have parted ways in terms of the settlement arrived at out of court and that the claim of the victim also stands settled. In such a situation, it is appropriate that the prosecution be quashed.

In the result, this petition is allowed. The prosecution against the petitioners herein in C.C.

Crl. M.C. No. 7725 of 2015

..3..

No.909/2015 of the Judicial First Class Magistrate Court, Kakkanadu 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

bka/11.12.2015