

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE P.UBAID**

**FRIDAY, THE 11TH DAY OF DECEMBER 2015/20TH AGRAHAYANA, 1937**

**Crl.MC.No. 7766 of 2015 ()**

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CC 622/2013 of JUDICIAL FIRST CLASS MAGISTRATE COURT, KASARAGOD  
CRIME NO. 702/2012 OF KUMBLA POLICE STATION, KASARGOD DISTRICT  
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**PETITIONER/ACCUSED:**

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ABDUL SUNAID.T, AGED 22 YEARS  
S/O.MUHAMMED, RESIDING AT CHEVAR HOUSE, BAYADI  
KUDALMERKALA VILLAGE, MANGALPADY, KASARAGOD TALUK  
KASARAGOD DISTRICT**

**BY ADV. SRI.T.MADHU**

**RESPONDENTS/STATE:**

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- 1. THE STATE OF KERALA  
THROUGH THE STATION HOUSE OFFICER  
KUMBLA POLICE STATION, KASARAGOD DISTRICT  
REPRESENTED BY THE PUBLIC PROSECUTOR  
HIGH COURT OF KERALA, ERNAKULAM 682 031**
  - 2. ASYUMMA, AGED 42 YEARS, W/O. ABDUL RAHIMAN  
RESIDING AT BAYADI HOUSE, CHEVAR  
KODALMERKALA, KODALMERKALA VILLAGE, MANGALPADY VIA  
KASARAGOD TALUK, KASARAGOD DISTRICT 671 324**

**R2 BY ADV. SRI.M.PRADEEP RAO  
R1 BY PUBLIC PROSECUTOR SRI. JUSTIN JACOB**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 11-12-2015, THE  
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

**APPENDIX**

**PETITIONER'S EXHIBITS**  
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**ANNEXURE A1 THE TRUE CERTIFIED COPY OF THE FIR IN CRIME NO 702/2012 OF  
KUMBLA POLICE STATION**

**ANNEXURE A2 THE TRUE CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO  
702/2012 OF KUMBLA POLICE STATION**

**ANNEXURE A3 THE AFFIDAVIT DATED 5-12-2015 SWORN IN BY THE 2ND  
RESPONDENT**

**ANNEXURE A4 THE TRUE CERTIFIED COPY OF THE MEMO OF EVIDENCE IN CRIME  
NO 702/2012 OF KUMBLA POLICE STATION**

**RESPONDENTS' EXHIBITS**  
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**NIL**

**// TRUE COPY //**

**P.A.TO JUDGE**

**SD**

P. UBAID, J.

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Crl.M.C.No.7766 of 2015  
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Dated this the 11<sup>th</sup> day of December, 2015

O R D E R

The petitioner herein is the sole accused in C.C.622/2013 of the Judicial First Class Magistrate Court, Kasaragod. He 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 452, 354 and 324 IPC, on the complaint of one Asiyumma, who is the 2<sup>nd</sup> 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. On a perusal of the materials, I find that this is only a case of assault, and not in fact a case under Section 354 IPC. A mere assault on a woman will not by itself constitute the offence punishable under Section 354 IPC. Any way, the whole dispute between the parties stands settled amicably out of court, and in such a situation, it is appropriate that the prosecution be quashed.

3. 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 petitioner herein in C.C.622/2013 of the Judicial First Class Magistrate Court, Kasaragod will stand quashed under Section 482 of the Code of Criminal Procedure. Accordingly, the 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