

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

MONDAY, THE 14TH DAY OF DECEMBER 2015/23RD AGRAHAYANA, 1937

Cr1.MC.No. 7781 of 2015

IN CC 912/1999 OF THE JUDICIAL FIRST CLASS MAGISTRATE
COURT, CHAVAKKAD
CRIME NO. 194/1999 OF CHAVAKKAD POLICE STATION, TRISSUR

PETITIONER/ACCUSED:

MAJEED, AGED 44 YEARS,
S/O. MOIDEEN, PULIKKAPARAMBIL THEKUNCHERY,
MANATHALA VILLAGE.

BY ADV. SRI.RAJIT

RESPONDENTS/STATE/DEFACTO COMPLAINANT:

1. STATE OF KERALA
REP. BY PUBLIC PROSEUCTOR, HIGH COURT OF KREALA
ERNAKULAM.
2. BUSHARA, AGED 38 YEARS,
D/O. NOORUDHEEN, KUNNATH HOUSE,
THOTTAP DESOM,
KDAPPURAM VILLAGE, CHAVAKKAD TALUK,
THRISSUR DISTRICT.

R2 BY ADV. SRI.V.V.JOY
R1 BY PUBLIC PROSECUTOR SMT.SHEEBA M.T

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 14-12-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

Cr1.MC.No. 7781 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

A - COPY OF THE FINAL REPORT IN CC 1544/2013 BEFORE THE
LEARNED JUDICIAL FIRST CLASS MAGISTRATE COURT, CHAVAKKAD
ARISING FROM CRIME NO. 194/1999 OF THE CHAVAKKAD POLICE
STATION, THRISSUR DISTRICT.

B - COPY OF THE JUDGMENT IN CC NO. 912/1999 BEFORE THE LEARNED
JUDICIAL FIRST CLASS MAGISTRATE COURT, CHAVAKKAD.

C - COPY OF THE AFFIDAVIT FILED BY THE 2ND RESPONDENT.

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

ab

P.UBAID, J.

Crl.M.C No.7781 of 2015

Dated this the 14th day of December, 2015

O R D E R

The petitioner herein is the original first accused in C.C No.912/1999 of the Judicial First Class Magistrate Court, Chavakkad, involving the offence punishable under Section 498 (A) of the Indian Penal Code. The other three accused faced trial before the learned Magistrate and obtained a judgment of acquittal on 22.6.2004. The case against the petitioner herein was split up and refiled when he consistently remained absent during trial. It is now pending as C.C No.1544/2013. He now seeks orders quashing the prosecution as against him on the ground that the very substratum of the prosecution case is totally lost by the acquittal of the others, and also on the ground of amicable settlement between him and the defacto complainant (victim). Annexure B judgment in C.C No.912/1999 shows that the learned Magistrate acquitted the other accused in the absence of any material or evidence, proving the ingredients of Section 498A of the Indian Penal Code. The victim's affidavit filed in this case shows that the whole matrimonial dispute

stands settled and resolved forever. It is submitted that the marriage stands dissolved, and the claims of the victim stand satisfied appropriately.

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 the prosecution will not serve any purpose. The parties have come to terms amicably and the whole disputes stands resolved forever. In such a situation, it is appropriate that the prosecution be quashed.

In the result, this petition is allowed. The prosecution against the petitioner herein in C.C No.1544/2013 of the Judicial First Class Magistrate Court, Chavakkad 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**

//True Copy//

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P.A to Judge