

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. 7796 of 2015

IN CC 447/2014 OF THE JUDICIAL FIRST CLASS MAGISTRATE
COURT -I, ALUVA

PETITIONERS/ACCUSED NUMBERS 1 TO 3:

1. JIBIN, AGED 31 YEARS,
S/O.ABDUL MAJEED, ARAVASSERY HOUSE,
THAYIKKATTUKARA KARA, ALUVA WEST VILLAGE, PIN 683101
2. BEENA ABDUL MAJEED, AGED 51 YEARS,
W/O.ABDUL MAJEED, ARAVASSERY HOUSE,
THAYIKKATTUKARA KARA, ALUVA WEST VILLAGE, PIN 683101
3. JEENU, AGED 26 YEARS,
W/O.NASSEER, ARAVASSERY HOUSE, THAYIKKATTUKARA KARA
ALUVA WEST VILLAGE, PIN 683101

BY ADV. SRI.V.N.SUNIL KUMAR

RESPONDENTS/STATE & DEFACTO COMPLAINANT:

1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM 682031
2. AJITHA, AGED 28 YEARS,
D/O.JAMAL, CHAKKANAYYIL HOUSE, CHULLIAL KARA,
RAMESWARAM VILLAGE, MATTANCHERRY, PIN 682002

R1 BY ADV. SRI.GEO PAUL

R1 BY PUBLIC PROSECUTOR SRI.JUSTIN JACOB

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

Crl.MC.No. 7796 of 2015

APPENDIX

PETITIONERS' ANNEXURES:

ANNEXURE A1: CERTIFIED COPY OF THE CHARGE SHEET FILED IN
CC.NO.447/2014 DATED 26.02.2014 ON THE FILE OF THE JUDICIAL
FIRST CLASS MAGISTRATE COURT 1, ALUVA

ANNEXURE A2: AFFIDAVIT FILED BY 2ND RESPONDENT

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.7796 of 2015

Dated this the 14th day of December, 2015

O R D E R

The petitioners herein are the three accused in C.C No.447/2014 of the Judicial First Class Magistrate Court I, Aluva. 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), 406 and 506(1) r/w 34 of the Indian Penal Code on the complaint of one Ajitha who is the second 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 the prosecution 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 forever. It is submitted from both sides that the victim and her husband have parted ways in terms of the settlement arrived at, and the claims also stand 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 No.447/2014 of the Judicial First Class Magistrate Court I, Aluva 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//