

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 15TH DAY OF DECEMBER 2015/24TH AGRAHAYANA, 1937

Crl.MC.No. 7821 of 2015

CC 1146/2009 of J.M.F.C.-I, ATTINGAL

CRIME NO. 384/2004 OF KADINAMKULAM POLICE STATION,
THIRUVANANTHAPURAM

PETITIONER(S)/ACCUSED 1 TO 4 :-

1. SEENATH, AGED 38 YEARS,
D/O.ABUSSABEEVI, THAIVILAKOM VEEDU,
PUTHUKURICHI THERUVU, KADINAKULAM VILLAGE,
THIRUVANANTHAPURAM DISTRICT.
2. LATHEEFA, AGED 53 YEARS,
D/O.ABUSSABEEVI, THAIVILAKOM VEEDU,
PUTHUKURICHI THERUVU, KADINAKULAM VILLAGE,
THIRUVANANTHAPURAM DISTRICT.
3. ISMAIL, AGED 36 YEARS, S/O.ANSAR,
THAIVILAKOM VEEDU, PUTHUKURICHI THERUVU,
KADINAKULAM VILLAGE, THIRUVANANTHAPURAM DISTRICT.
4. ISMAIL, AGED 46 YEARS,
S/O.SHAMSUDEEN, THAIVILAKOM VEEDU,
PUTHUKURICHI THERUVU, KADINAKULAM VILLAGE,
THIRUVANANTHAPURAM DISTRICT.

BY ADV. SRI.P.ANOOP

RESPONDENT(S)/STATE, DEFACTO COMPLAINANT :-

1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.
2. MAMMATHUMMA, AGED 60 YEARS, D/O.BEEMA,
PERUVIL THAIVILAKOM VEEDU, PUTHUKURICHI,
KADINAMKULAM VILLAGE, THIRUVANANTHAPURM DISTRICT.
3. KABEER, AGED 38 YEARS, S/O.ABDUL KHARIM,
PERUVIL THAIVILAKOM VEEDU,
PUTHUKURICHI, KADINAMKULAM VILLAGE,
THIRUVANANTHAPURM DISTRICT.

R2 & R3 BY ADV. SMT.V.VIJITHA

R1 BY SMT.SHEEBA M.T., PUBLIC PROSECUTOR

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
15-12-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

rkj

Cr1.MC.No. 7821 of 2015

APPENDIX

PETITIONER(S) ' ANNEXURES :-

ANNEXURE A1 : CERTIFIED COPY OF THE FINAL REPORT IN CC
1146/2009 OF THE JFCM-I, ATTINGAL.

ANNEXURE A2 : TRUE COPY OF THE AFFIDAVIT FILED BY THE 2ND
RESPONDENT.

ANNEXURE A3 : TRUE COPY OF THE AFFIDAVIT FILED BY THE 3RD
RESPONDENT.

RESPONDENT(S) ' ANNEXURES :- NIL

//TRUE COPY//

P.A.TO JUDGE

rkj

P.UBAID, J.

=====
Crl.M.C.No.7821 of 2015
=====

Dated this the 15th day of December, 2015

ORDER

The petitioners herein are the four accused in C.C.No.1146 of 2009 of the Judicial First Class Magistrate Court-I, Attingal. 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 294(b), 323 and 427 read with Section 34 of the Indian Penal Code on the complaint of one Mammathumma, 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. The other victim of offence is the 3rd respondent in this proceeding. He has also

filed affidavit to the effect that he has settled the whole dispute with the accused and he 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 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, and I am satisfied that the parties are now on quite cordial terms. 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.1146 of 2009 of the

Judicial First Class Magistrate Court-I, Attingal 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**

rkj

//TRUE COPY//

P.A. TO JUDGE