

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 17TH DAY OF DECEMBER 2015/26TH AGRAHAYANA, 1937

Cr1.MC.No. 7862 of 2015 ()

IN CC 162/2012 of JUDICIAL FIRST CLASS MAGISTRATE COURT.-II,
NEDUMANGAD

CRIME NO. 1777/2011 OF NEDUMANGAD POLICE STATION , THIRUVANANDAPURAM

PETITIONERS/ACCUSED:

1. MUNEER, S/O KABEER, AGED 37 YEARS
HOUSE NO.6, ATTAKKAL LAKSHAM VEEDU
ANADU MURI, PANAVOOR VILLAGE
NEDUMANGAD, THIRUVANANDAPURAM DISTRICT
2. ABITHA BEEVI, W/O KABEER, AGED 61 YEARS
HOUSE NO.6, ATTAKKAL LAKSHAM VEEDU
ANADU MURI, PANAVOOR VILLAGE
NEDUMANGAD, THIRUVANANDAPURAM DISTRICT

BY ADV. SRI.LATHEESH SEBASTIAN

RESPONDENT(S)/STATE & COMPLAINANT & VICTIM:

1. STATE OF KERALA, REPRESENTED BY THE
DIRECTOR OF PUBLIC PROSECUTIONS
HIGH COURT OF KERALA, ERNAKULAM - 682 031
2. SUB INSPECTOR OF POLICE
NEDUMANGAD POLICE STATION,
THIRUVANANDAPURAM - 695 541
3. SHAMLA, D/O NABEESA BEEVI, AGED 35 YEARS
NASEERA MANZIL, THOTTAVILA, PACHAMALA
CHITTUVEEDU MURI, THOLKKODE
THIRUVANANDAPURAM DISTRICT - 695 541

R3 BY ADV. SRI.R.ARUN

R1 & R2 BY SRI JUSTIN JACOB, PUBLIC PROSECUTOR

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 17-12-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Cr1.MC.No. 7862 of 2015 ()

APPENDIX

PETITIONERS' EXHIBITS:

ANNEXURE A1: COPY OF THE FIR IN CRIME NO.1777/2011 OF NEDUMANGAD
POLICE STATION

ANNEXURE A2: COPY OF THE FINAL REPORT IN ANNEXURE A1

ANNEXURE A3: COPY OF HTE AFFIDAVIT OF THE 3RD RESPONDENT

RESPONDENTS' EXHIBITS: N I L

//TRUE COPY//

P.A. TO JUDGE

JV

P. UBAID, J.

Crl.M.C.No.7862 of 2015

Dated this the 17th day of December, 2015

ORDER

The petitioners herein are the two accused in C.C.No.162/2012 of the Judicial First Class Magistrate Court-II, Nedumangad. 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 498A and 34 IPC, on the complaint of one Shamla, who is the 3rd 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 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 forever. It is submitted that the parties have parted ways in terms of the settlement, and the claims of the victim also stand settled. In such a situation, it is appropriate that the pending prosecution be quashed.

In the result, this petition is allowed. The prosecution against the petitioners herein in C.C.No.162/2012 of the Judicial First Class Magistrate Court-II, Nedumangad 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.