

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 18TH DAY OF DECEMBER 2015/27TH AGRAHAYANA, 1937

Cr1.MC.No. 7897 of 2015

IN C.C 1440/2011 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT,
PARAPPANANGADI
CRIME NO.527/2011 OF TANUR POLICE STATION, MALAPPURAM

PETITIONERS/ACCUSED NO.1 AND 2:

1. MUHAMMED SIRAFI, AGED 37 YEARS,
S/O.MUHAMMED SALIH, MUSALIYARAKATH ARAKKAL HOUSE,
JM ROAD, PONNANI
2. SHEREEFA, AGED 64 YEARS,
W/O.MUHAMMED SALIH, MUSALIYARAKATH ARAKKAL HOUSE,
JM ROAD, PONNANI

BY ADVS.SRI.K.B.ARUNKUMAR
SRI.RANJIT BABU

RESPONDENTS/STATE AND DEFACTO COMPLAINANT:

1. STATE OF KERALA
REPRESENTED THROUGH THE SUB INSPECTOR OF POLICE,
TANUR POLICE STATION, MALAPPURAM DISTRICT,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, PIN 682031
2. SHABNA, AGED 31 YEARS,
D/O.MUHAMMED @ BAPPU,
PALAKKAVALLAPPIL PUTHIYAKATHU HOUSE,
KUNDUNGAL KERALDEESHAPURAM (P.O), TANUR,
MALAPPURAM DISTRICT, PIN 676307

R1 BY PUBLIC PROSECUTOR SRI.JUSTIN JACOB
R2 BY SRI.PRATHEESH.P

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 18-12-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

Cr1.MC.No. 7897 of 2015

APPENDIX

PETITIONERS' ANNEXURES:

ANNEXURE 1:THE CERTIFIED COPY OF THE FIR IN CRIME NO.527/2011
OF TANUR POLICE STATION NOW PENDING ON THE FILE OF THE
JUDICIAL FIRST CLASS MAGISTRATE COURT, PARAPPANANGADI

ANNEXURE 2:THE CERTIFIED COPY OF THE FINAL REPORT IN
CC.NO.1440/2011 NOW PENDING ON THE FILE OF THE JUDICIAL FIRST
CLASS MAGISTRATE COURT, PARAPPANANGADI

ANNEXURE 3:THE AFFIDAVIT DATED 15.12.2015 EXECUTED BY THE 2ND
RESPONDENT

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.7897 of 2015

Dated this the 18th day of December, 2015

O R D E R

The petitioners herein are the two accused in C.C No.1440/2011 of the Judicial First Class Magistrate Court, Parappanangadi. 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 Section 498(A) of the Indian Penal Code on the complaint of one Shabna 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, and that the parties have agreed to have the marriage dissolved by a decree. 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.1440/2011 of the Judicial First Class Magistrate Court, Parappanangadi 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//