

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

MONDAY, THE 21ST DAY OF DECEMBER 2015/30TH AGRAHAYANA, 1937

Crl.MC.No. 7915 of 2015 ()

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CC 1393/2015 of JUDICIAL FIRST CLASS MAGISTRATE COURT-I,TIRUR
CRIME NO. 25/2015 OF VALANCHERY POLICE STATION , MALAPPURAM
=====**

PETITIONERS/ACCUSED:

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- 1. NOUSHAD, AGED 25 YEARS
S/O. KASIM, THAREEKKAL HOUSE, NEAR PUMP HOUE
PATTITHARA P.O., PALAKKAD DISTRICT.**
 - 2. SHERIFA, AGED 55 YEARS
W/O. KASIM, THAREEKKAL HOUSE, NEAR PUMP HOUSE
PATTITHARA P.O., PALAKKAD DISTRICT.**
 - 3. KASIM, AGED 60 YEARS
S/O. MUHAMMED, THAREEKKAL HOUSE, NEAR PUMP HOUSE
PATTITHARA P.O., PALAKKAD DISTRICT.**

BY ADV. SRI.P.SAMSUDIN

RESPONDENTS/STATE AND DE-FACTO COMPLAINANT:

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- 1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR HIGH COURT OF KEALA
ERNAKULAM. (CRIME NO. 25/2015 OF VALANCHERI POLICE STATION)**
 - 2. SABIKA, AGED 19 YEARS
D/O. HAMSA, PULLURSHANGATTIL HOUSE
POOVATHUMTHARA DESOM, EDAYUR AMSOM
MALAPURAM DISTRICT - 676 554.**
- R2 BY ADV. SRI.JITHIN LUKOSE
R1 BY PUBLIC PROSECUTOR SMT. SHEEBA M.T.**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 21-12-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

APPENDIX

PETITIONERS' EXHIBITS

**A1 - CERTIFIED COPY OF FINAL REPORT IN CRIME NO. 25/2015 VALACHERY
POLICE STATION.**

A2 - THE AFFIDAVIT SWORN IN BY 2ND RESPONDENT DT. 06.8.2015.

RESPONDENTS' EXHIBITS

NIL

// TRUE COPY //

P.A. TO JUDGE

SD

P. UBAID, J.

Crl.M.C.No.7915 of 2015

Dated this the 21st day of December, 2015

O R D E R

The petitioners herein are the four accused in C.C. No.1393/2015 of the Judicial First Class Magistrate Court-I, Tirur. 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 read with 34 IPC, on the complaint of one Sabikha, 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. Her affidavit shows that the whole matrimonial dispute stands resolved forever and the marriage stands dissolved. The victim has also received all her dues under the law as a divorced Muslim woman. In such a situation, it is appropriate that the prosecution be quashed.

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.

In the result, this petition is allowed. The prosecution against the petitioners herein in C.C. No.1393/2015 of the Judicial First Class Magistrate Court-I, Tirur 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

sd

// True Copy //

P.A. to Judge