

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. 7921 of 2015 ()

CRIME NO. 218/2015 OF KOTTAKKAL POLICE STATION , MALAPPURAM

PETITIONER(S)/ACCUSED:

- 1. MUJEEB AGED 36 YEARS
S/O.KUNJAMMADU, KAITHAKKAL HOUSE, OTHUKKUNGAL PO
MALAPPURAM DISTRICT**
- 2. NAFEESA K. AGED 65 YEARS
W/O.KUNJAMMADU, KAITHAKKAL HOUSE, OTHUKKUNGAL PO
MALAPPURAM DISTRICT**
- 3. SHAREEF AGED 30 YEARS
S/O.KUNJAMMADU, KAITHAKKAL HOUSE, OTHUKKUNGAL PO
MALAPPURAM DISTRICT**

BY ADV. SRI.P.SAMSUDIN

RESPONDENT(S)/STATE AND DEFACTO COMPLIANANT:

- 1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA
ERNAKULAM 682031 (CRIME NO.218/2015 OF
KOTTAKKAL POLICE STATION)**
- 2. NASHEEDA, AGED 30 YEARS
D/O.AHAMMED KUNHI, PARAMBAN HOUSE, CHUNDALAPPARA
PUTHUPPARAMBU PO, EDARIKKAD, KOTTAKKAL
MALAPPURAM DISTRICT, PIN 676501**

R2 BY ADV. SRI.JITHIN LUKOSE

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

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

Crl.MC.No. 7921 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE A1 : COPY OF THE FIR IN CRIME NO.218/2015 OF
KOTTAKKAL POLICE STATION**

**ANNEXURE A2 : THE AFFIDAVIT SWORN BY 2ND RESPONDENT DATED
12.10.2015**

RESPONDENT(S)' EXHIBITS: N I L

//TRUE COPY//

P.A. TO JUDGE

JV

P. UBAID, J.

Crl.M.C.No.7921 of 2015

Dated this the 21st day of December, 2015

O R D E R

The petitioners seek orders quashing the F.I.R and further proceedings in Crime No.218/2015 of the Kottakkal Police Station, registered under Sections 323, 34, 406 and 498-A IPC, on the complaint of one Nasheeda. Orders are sought on the ground of amicable settlement of the whole dispute between the accused and the de facto complainant out of court. The de facto complainant Nasheeda 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. Her affidavit shows that the whole matrimonial dispute stands resolved forever, and the marriage stands dissolved. The affidavit also shows that the victim has received her dues under the law as a divorced Muslim woman. In such a situation it is appropriate that the prosecution be quashed.

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; be it at the crime stage, or at the trial stage, or even at the appellate or revision stage; if the parties have really settled the whole dispute, or if continuance of prosecution will not serve any purpose. Here, I find a real case of settlement between the parties, and I also find that continuance of prosecution in such a situation will not serve any purpose other than wasting the precious time of the court, when the case ultimately comes before the court.

In the result, this petition is allowed. The Crime No.218/2015 of the Kottakkal Police Station will stand quashed under Section 482 of the Code of Criminal Procedure.

Sd/-

P. UBAID, JUDGE

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// True Copy //

P.A. to Judge