

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. 7931 of 2015 ()

**CRIME NO. 616/2013 OF PERUMPADAPPU POLICE STATION, MALAPPURAM DISTRICT
C.C.NO.527/2014 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT, PONNANI**

PETITIONERS/ACCUSED 1 TO 3:

- 1. FAIZAL, AGED 32 YEARS
S/O MOOSA, MANUPPURATH HOSUE, ALUVA
EDAYAPPURAM, ALUVA P.O., ERNAKULAM DISTRICT.**
- 2. ABDURAHMAN, AGED 41 YEARS
S/O MOOSA, MANUPPURATH HOSUE, ALUVA
EDAYAPPURAM, ALUVA P.O., ERNAKULAM DISTRICT.**
- 3. KUNJIPPATHU, AGED 70 YEARS
W/O MOOSA, MANUPPURATH HOSUE, ALUVA
EDAYAPPURAM, ALUVA P.O., ERNAKULAM DISTRICT.**

**BY ADVS.SRI.AYPE JOSEPH
SRI. JABBAR**

RESPONDENTS/STATE AND COMPLAINANT:

- 1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682031.**
- 2. NASEEMA, AGED 31 YEARS
D/O MUHAMMED, CHANNALI HOUSE, AYIROOR AMSOM
PUTHIYIRUTHY DESOM, PALAPPETTY P.O., PONNANI TALUK
MALAPPURAM DISTRICT.**

**R2 BY ADV. SMT.SHERIN A.RAHIM
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

ANNEXURE 1: CERTIFIED COPY OF THE COMPLAINT CMP NO.4223/2013 ON THE FILE OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT, PONNANI.

ANNEXURE 2: CERTIFIED COPY OF THE FIR IN CRIME NO.616/2013 OF PERUMPADAPPU/ANDATHO POLICE STATION, MALAPPURAM DISTRICT.

ANNEXURE 3: CERTIFIED COPY OF THE FINAL REPORT IN CC NO.527/2014 ON THE FILE OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT, PONNANI.

ANNEXURE 4: AFFIDAVIT DATED 1.8.15 SWORN IN BY THE 2ND RESPONDENT/DEFACTO COMPLAINANT

RESPONDENTS' EXHIBITS

NIL

// TRUE COPY //

P.A. TO JUDGE

SD

P. UBAID, J.

Crl.M.C.No.7931 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.527/2014 of the Judicial First Class Magistrate Court, Ponnani. 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 406 and 498-A read with 34 IPC, on the complaint of one Naseema, 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. It is submitted from both sides that the victim has joined her husband in matrimony. 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.527/2014 of the Judicial First Class Magistrate Court, Ponnani 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 //

P.A. to Judge