

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 23RD DAY OF DECEMBER 2015/2ND POUSHA, 1937

Cr1.MC.No. 8020 of 2015

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IN CC 1268/2013 OF THE JUDICIAL FIRST CLASS MAGISTRATE  
COURT, MALAPPURAM  
CRIME NO. 379/2013 OF KOTTAKKAL POLICE STATION,  
MALAPPURAM

PETITIONER/ACCUSED:

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JAFAR, AGED 34 YEARS,  
S/O.MUHAMMED, NALAKATH HOUSE,  
KARINKALLATHANIYIL,  
THAZHEKKODU DESOM, PERINTHALMANNA TALUK,  
MALAPPURAM 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 KERALA  
ERNAKULAM.682 031.  
(CRIME NO.379/2013 OF KOTTAKKAL POLICE STATION IN  
MALAPPURAM DISTRICT) .
2. JUBAIDA, AGED 27 YEARS,  
D/O.MUHAMMEDKUTTY, CHERAKATHODI HOUSE, MARAVATTOM  
KOTTAKKAL, KADAMBUZHA.P.O.-676 553, TIRUR TALUK  
MALAPPURAM DISTRICT.

R2 BY ADV. SRI.JITHIN LUKOSE

R1 BY PUBLIC PROSECUTOR SRI.JUSTIN JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR  
ADMISSION ON 23-12-2015, THE COURT ON THE SAME DAY  
PASSED THE FOLLOWING:

Cr1.MC.No. 8020 of 2015  
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APPENDIX

PETITIONERS' ANNEXURES:  
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ANNEXURE A1- CERTIFIED COPY OF FINAL REPORT IN CRIME  
NO.379/2013 OF KOTTAKKAL POLICE STATION.

ANNEXURE A2- THE AFFIDAVIT SWORN IN BY 2ND RESPONDENT  
DATED 16.11.2015.

RESPONDENTS' ANNEXURES:  
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NIL

//TRUE COPY//

P.A TO JUDGE

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**P.UBAID, J.**

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**Crl.M.C No.8020 of 2015**  
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Dated this the 23<sup>rd</sup> day of December, 2015

**O R D E R**

The petitioner herein is the accused in C.C No.1268/2013 of the Judicial First Class Magistrate Court, Malappuram. He seeks orders quashing the prosecution on the ground of amicable settlement of the whole dispute between him and the de facto complainant. Crime in this case was registered under Sections 498A and 406 of the Indian Penal Code on the complaint of one Jubairiya 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 marriage stands dissolved by pronouncement of Talaq. She 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.

In the result, this petition is allowed. The prosecution against the petitioner herein in C.C No.1268/2013 of the Judicial First Class Magistrate Court, Malappuram will stand quashed under Section 482 of the Code of Criminal Procedure. Accordingly, the petitioner will stand released from prosecution, and the bail bond, if any, executed by him will stand discharged.

**Sd/-  
P.UBAID  
JUDGE**

ab

//True Copy//