

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. 8027 of 2015

IN CC 248/2013 OF THE JUDICIAL FIRST CLASS MAGISTRATE
COURT, PAYYANNUR
CRIME NO. 146/2012 OF PAYYANNUR POLICE STATION , KANNUR

PETITIONERS/DE FACTO COMPLAINANT AND ACCUSED 1 TO 4:

1. P.K.JASEELABI, AGED 25 YEARS,
D/O.V.T.IBRAHIM,
RESIDING AT KUNHIMANGALAM AMSOM DESOM,
KANNUR DISTRICT
2. MUHAMMAD SABIR
S/O.HAMEED, AYISHA MANZIL, NEAR KUVATHUL ISLAM
MADRASA, THALIPARAMBA PO, KANNUR DISTRICT
3. HAMEED P.P
- DO -
4. RUKSANA
W/O.HAMEED - DO -
5. MANSOOR C.K
S/O.HAMEED, - DO -

BY ADV. SRI.T.V.JAYAKUMAR NAMBOODIRI

RESPONDENT:

STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM

BY PUBLIC PROSECUTOR SMT.SHEEBA M.T

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. 8027 of 2015

APPENDIX

PETITIONERS' ANNEXURES:

ANNEXURE I: COPY OF THE FINAL REPORT IN CRIME NO.146/2012
PAYYANNUR POLICE STATION

ANNEXURE II: COPY OF AFFIDAVIT OF 1ST PETITIONER (DEFACTO
COMPLAINANT)

ANNEXURE 3: COPY OF THE AGREEMENT

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.8027 of 2015

Dated this the 23rd day of December, 2015

O R D E R

The petitioners 2 to 5 are the accused in C.C No.248/2013 of the Judicial First Class Magistrate Court, Payyanur. The first petitioner is the defacto complainant. They seek orders quashing the prosecution on the ground of amicable settlement of the whole dispute. Crime in this case was registered under Section 498A of the Indian Penal Code on the complaint of the first petitioner. 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, the marriage stands dissolved, and the victim has remarried. All her 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 2 to 5 in C.C No.248/2013 of the Judicial First Class Magistrate Court, Payyanur will stand quashed under Section 482 of the Code of Criminal Procedure. Accordingly, the petitioners 2 to 5 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

