

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. 8030 of 2015

IN C.C 519/2011 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT,
MALAPPURAM

CRIME NO. 99/2011 OF MALAPPURAM POLICE STATION, MALAPPURAM

PETITIONERS/ACCUSED 1 TO 6:

1. FIRDOS,
SON OF ABDUL AZEEZ N.K., NATTUKALLINGAL HOUSE,
KODUR WEST, KODUR P.O., MALAPPURAM.
2. SAINABHA,
WIFE OF ABDUL AZEEZ N.K., NATTUKALLINGAL HOUSE,
KODUR WEST, KODUR P.O., MALAPPURAM.
3. MUHASINA,
DAUGHTER OF ABDUL AZEEZ N.K., WIFE OF YOUNIS BABU,
THOTTOLI HOUSE, PAARADI, KOOTILANGADI P.O,
MALAPPURAM.
4. ABDUL AZEEZ
SON OF MUHAMMED, NATTUKALLINGAL HOUSE, KODUR WEST,
KODUR P.O., MALAPPURAM.
5. MUHAMMED NOUFIK,
SON OF ABDUL AZEEZ N.K., NATTUKALLINGAL HOUSE,
KODUR WEST, KODUR P.O., MALAPPURAM.
6. UMMUL KHAIR,
DAUGHTER OF ABDUL AZEEZ N.K., WIFE OF ALAVI,
MUTHUVALLOOR HOUSE, NELLIKKUTHU, PAYYANAD,
MALAPPURAM.

BY ADV. SRI.P.K.NIJOY

RESPONDENTS/STATE & COMPLAINANT:

1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.
2. FATHIMA SUHARA, AGED 30 YEARS,
DAUGHTER OF SIADALAVI, VADAKKEPURATHU HOUSE, HILLTOP
MONGAM P.O., MALAPPURAM.

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. 8030 of 2015

APPENDIX

PETITIONERS' ANNEXURES:

ANNEXURE A1. CERTIFIED COPY OF THE FIR IN CRIME NO.99 OF 2011
DATED 08.02.2011.

ANNEXURE A2. CERTIFIED COPY OF FINAL REPORT IN CRIME NO.99 OF
2011 SUBMITTED BEFORE THE JFCM COURT, MALAPPURAM.

ANNEXURE A3. COPY OF THE AFFIDAVIT DATED 07.10.2015 OF THE 2ND
RESPONDENT.

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.8030 of 2015

Dated this the 23rd day of December, 2015

O R D E R

The petitioners herein are the six accused in C.C No.519/2011 of the Judicial First Class Magistrate Court, Malappuram. 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 498A and 406 of the Indian Penal Code on the complaint of one Fathima Suhara 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 parties have parted ways in terms of the settlement. The claims of the victim also stand settled.

In the result, this petition is allowed. The prosecution against the petitioners herein in C.C No.519/2011 of the Judicial First Class Magistrate Court, Malappuram 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//