

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 11TH DAY OF AUGUST 2015/20TH SRAVANA, 1937

Cr1.MC.No. 6875 of 2014

IN SC 562/2013 of OF THE SESSIONS COURT, MANJERI

CRIME NO. 610/2012 OF PANDIKAD POLICE STATION, MALAPPURAM

PETITIONERS/ACCUSED:

1. SAKEER HUSSAIN, AGED 28 YEARS,
S/O. ABDURAHIMAN, VALLIKKAPARAMBIL HOUSE,
P.O.PANDIKKAD, MALAPPURAM DISTRICT
REPRESENTED BY ITS POWER OF ATTORNEY HOLDER ABDURAHIMAN
AGED 64 YEARS, S/O. KUNHIMUHAMMED,
VALLIKKAPARAMBIL HOUSE, P.O.PANDIKKAD
MALAPPURAM DISTRICT.
2. ABDURAHIMAN, AGED 64 YEARS,
S/O. KUNHIMUHAMMED, VALLIKKAPARAMBIL HOUSE,
P.O.PANDIKKAD, MALAPPURAM DISTRICT.
3. AYISHA, AGED 52 YEARS
W/O. ABDURAHIMAN, VALLIKKAPARAMBIL HOUSE, P.O.PANDIKKAD
MALAPPURAM DISTRICT.
4. FATHIMA SUHARA, AGED 40 YEARS,
D/O. ABDURAHIMAN, VALLIKKAPARAMBIL HOUSE,
P.O.PANDIKKAD, MALAPPURAM DISTRICT.

BY ADVS.SRI.K.M.SATHYANATHA MENON
SMT.KAVERY S THAMPI

RESPONDENTS/STATE, COMPLAINANT & DEFACTO COMPLAINANT:

1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM, KOCHI - 682 031.
2. THE SUB INSPECTOR OF POLICE,
PANDIKKAD POLICE STATION, PANDIKKAD
MALAPPURAM DISTRICT - 676 521.
3. SAMEENA, AGED 20 YEARS,
D/O. MUHAMMED, MAMPILLY HOUSE, PANDIKKAD P.O.
ERNAD, MALAPPURAM DISTRICT - 676 521.

R3 BY ADV. SRI.C.M.KAMMAPPU
R1 & R2 BY PUBLIC PROSECUTOR SMT.V.H.JASMINE

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON
11-08-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Cr1.MC.No. 6875 of 2014

APPENDIX

PETITIONERS' ANNEXURES:

A1 - TRUE COPY OF THE FIRST INFORMATION REPORT IN CRIME NO. 610/2012 OF PANDIKKAD POLICE STATION SUBMITTED BY THE 2ND RESPONDENT BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT - II, MANJERI.

A2 - CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO. 610/2012 OF PANDIKKAD POLICE STATION SUBMITTED BY THE 2ND RESPONDENT BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT - II, MANJERI.

A3 - TRUE COPY OF THE AGREEMENT DT. 25.7.14.

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

ab

P.UBAID, J.

Crl.M.C No. 6875 of 2014

Dated this the 11th day of August, 2015

O R D E R

The petitioners herein are the four accused in S.C No.562/2013 of the Sessions Court, Manjeri. 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, 406 and 313 r/w 34 of the Indian Penal Code on the complaint of one Sameena, who is the 3rd respondent in this proceeding brought under Section 482 of the Code of Criminal Procedure. The victim's affidavit shows that she has already been divorced by her husband, that she has received all the benefits under the law, including provision, and that all the matrimonial disputes stands resolved forever. The affidavit shows that complaint infact happened to be made on some misapprehension. In such a situation it is appropriate that the pending prosecution be quashed, otherwise it will cause problems and embarrassment to both the parties.

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 further 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.

In the result, this petition is allowed. The prosecution against the petitioners herein in S.C No.562/2013 of the Sessions Court, Manjeri 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.

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**P.UBAID
JUDGE**