

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 18TH DAY OF AUGUST 2015/27TH SRAVANA, 1937

Crl.MC.No. 7040 of 2014

IN CC 737/2013 of J.M.F.C., CHAVAKKAD

CRIME NO. 200/2013 OF CHAVAKKAD POLICE STATION , TRISSUR

PETITIONERS/ACCUSED 2 TO 7:

1. JAMEELA, AGED 56 YEARS,
W/O HAMSAKUTTY, KATTUNGAL HOUSE, PUNNA,
PERAKAM, NOW RESIDING AT VEMBENAD, CHAVAKKAD TALUK,
THRISSUR DISTRICT.
2. SHEHEER, AGED 26 YEARS,
S/O HAMSAKUTTY, KATTUNGAL HOUSE, PUNNA,
PERAKAM, NOW RESIDING AT VEMBENAD, CHAVAKKAD TALUK,
THRISSUR DISTRICT.
3. RAHIYANATH SHAHEER, AGED 19 YEARS,
W/O SHEHEER, KATTUNGAL HOUSE, PUNNA
PERAKAM, NOW RESIDING AT VEMBENAD, CHAVAKKAD TALUK
THRISSUR DISTRICT.
4. SAJANA RASAK, AGED 32 YEARS,
D/O HAMSAKUTTY, KATTUNGAL HOUSE, PUNNA,
PERAKAM, NOW RESIDING AT VEMBENAD, CHAVAKKAD TALUK,
THRISSUR DISTRICT.
5. SHAKEELA, AGED 26 YEARS,
D/O HAMSAKUTTY, KATTUNGAL HOUSE, PUNNA,
PERAKAM, NOW RESIDING AT VEMBENAD, CHAVAKKAD TALUK,
THRISSUR DISTRICT.
6. SHANIBA, AGED 27 YEARS,
D/O HAMSAKUTTY, KATTUNGAL HOUSE, PUNNA,
PERAKAM, NOW RESIDING AT VEMBENAD, CHAVAKKAD TALUK,
THRISSUR DISTRICT.

BY ADV. SRI.RAJIT

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RESPONDENTS/STATE AND DEFACTO COMPLAINANT:

1. STATE OF KERALA
RESPRESNETED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682031.
2. JESNA, AGED 23 YEARS,
D/O JABBAR, PUZHANKARA ILLATH, KAIPAMANGALAM,
VADANAPILLY, CHAVAKKAD TALUK.
THRISSUR DISTRICT-680681.

R2 BY ADV. SRI.V.V.JOY
R1 BY PUBLIC PROSECUTOR SMT.S.HYMA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 18-08-2015, ALONG WITH CRL.M.C NO.1950/2015, THE COURT ON
THE SAME DAY PASSED THE FOLLOWING:

Crl.MC.No. 7040 of 2014

APPENDIX

PETITIONERS' ANNEXURES:

ANNEXURE A: COPY OF THE FIR REGISTERED BY THE CHAVAKKAD POLICE
IN CRIME 200/2013.

ANNEXURE B: COPY OF THE FINAL REPORT FILED BY THE CHAVAKKAD
POLICE.

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

AB

P.UBAID, J.

Crl.M.C Nos.7040/2014 & 1950/2015

Dated this the 18th day of August, 2015

O R D E R

The petitioner in Crl.M.C No.1950/2015 is the first accused in C.C No.737/2013 of the Judicial First Class Magistrate Court, Chavakkad, and the petitioners in Crl.M.C No.7040/2014 are the accused Nos.2 to 7 in the said case involving the offences under Sections 406 and 498(A) of the Indian Penal Code. The petitioners 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 on the complaint of one Jesna who is the 2nd respondent in this proceeding brought under Section 482 of the Code of Criminal Procedure. The affidavit of the complainant shows that she and her husband have parted ways and the whole matrimonial dispute stands resolved forever.

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.

In the result, these petitions are allowed. The prosecution against the petitioners herein in C.C No.737/2013 of the Judicial First Class Magistrate Court, Chavakkad 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.

**P.UBAID
JUDGE**

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