

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.HARILAL

FRIDAY, THE 19TH DAY OF JUNE 2015/29TH JYAISHTA, 1937

CrI.MC.No. 2548 of 2015 ()

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CC 1310/2014 of JUDICIAL FIRST CLASS MAGISTRATE COURT-V,
KOZHIKODE
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PETITIONERS/ACCUSED NOS.2 AND 3:

- 1. RASIYA, AGED 51 YEARS, W/O. AZEEZ,
ASSARIKANDY HOUSE, PANANGATTUTHAZHAMPARAMB,
ARAKINAR P.O., BEYPORE.**
- 2. SABITHA, AGED 34 YEARS,
W/O.SHAJUDHEEN, ASSARIKANDY HOUSE,
PANANGATTUTHAZHAMPARAMB, ARAKINAR P.O., BEYPORE.**

BY ADV. SRI.SUNNY MATHEW

RESPONDENTS/COMPLAINANT AND STATE :

- 1. BADARIYA N.P., AGED 26 YEARS,
D/O.ABDU, SHARMIDA MANZIL, NALAKAM PARAMB,
PARAPPIL P.O., KOZHIKODE DISTRICT - 673001**
- 2. THE SUB INSPECTOR OF POLICE
BEYPORE POLICE STATION, KOZHIKODE DISTRICT - 673001**
- 3. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM - 682031**

**R1 BY ADV. SRI.T.K.BABU
R2 & R3 BY PUBLIC PROSECUTOR SRI. C.S. SREEJITH**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 19-06-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE-A1: TRUE COPY OF THE FINAL REPORT IN C.C.1310/2014 ON THE
FILE OF THE COURT OF THE JUDICIAL MAGISTRATE OF FIRST
CLASS-V, KOZHIKODE.

ANNEXURE-A2: TRUE COPY OF THE AGREEMENT DATED 11.03.2015 ENTERED
INTO BETWEEN THE PETITIONERS AND THE 1ST
RESPONDENT.

ANNEXURE-A3: TRUE COPY OF THE AFFIDAVIT SWORN TO BY THE 1ST
RESPONDENT.

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

K.HARILAL, J.

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Crl.M.C.No.2548 of 2015

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Dated this the 19th day of June, 2015

ORDER

Petitioners are accused Nos.2 and 3 respectively in Crime No.293 of 2014 of the Beypore Police Station registered for the offences punishable under Sections 498A, 406 and 506(i) read with Section 34 of the Indian Penal Code.

2. Petitioners have come up with this Crl.M.C. under Section 482 Cr.P.C. for getting Annexure-A1 Final Report in Crime No.293 of 2014 of the Beypore Police Station and all further proceedings based on it in C.C.No.1310 of 2014 pending before the Judicial First Class Magistrate's Court-V, Kozhikode, quashed.

3. According to the petitioners, all the matters in dispute between the petitioners and the defacto complainant have been amicably settled and presently the

defacto complainant has no complaints against the petitioners. The learned counsel for the petitioners drew my attention to the decision reported in ***Gian Singh v. State of Punjab*** [2012(4) KLT 108]

“In this category of cases, High Court may quash criminal proceedings if in its view, because of the compromise between the offender and victim, the possibility of conviction is remote and bleak and continuation of criminal case would put accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceeding or continuation of the criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between the victim and wrongdoer and whether to secure the ends of justice, it is appropriate that criminal case is put to an end and if the answer to the above question(s) is in affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding.”

4. The defacto complainant, who is the 1st respondent herein, has filed an affidavit affirming that all the matters in dispute between her and the petitioners have been amicably settled and, therefore, she has no complaints

against the petitioners, and, hence, all further proceedings in the matter referred to above can be quashed.

5. When all the matrimonial disputes have been settled between the parties and as the defacto complainant has no complaints against the petitioners, it is only just and expedient in the interest of justice to quash the proceedings referred to above.

In the result, this Crl.M.C. is allowed and Annexure-A1 Final Report in Crime No.293 of 2014 of the Beypore Police Station and all further proceedings based on it in C.C.No.1310 of 2014 pending before the Judicial First Class Magistrate's Court-V, Kozhikode, are hereby quashed.

Sd/-
K.HARILAL,
JUDGE.

stu