IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

MONDAY, THE 24TH DAY OF FEBRUARY 2020 / 5TH PHALGUNA, 1941

Crl.MC.No.872 OF 2020(H)

CC 2255/2016 OF JUDICIAL MAGISTRATE OF FIRST CLASS -III, THRISSUR

CRIME NO.1403/2016 OF Ollur Police Station, Thrissur

PETITIONER/ACCUSED :

1 **BABYSON,**
AGED 39 YEARS, S/O.BABY,
ALAPPATT HOUSE, ERAVIMANGALAM P.O.,
NADATHARA VILLAGE, OLLUR, THRISUSR DISTRICT.

2 **PHILOMINA,**
AGED 66 YEARS, W/O.BABY,
ALAPPATT HOUSE, ERAVIMANGALAM P.O.,
NADATHARA VILLAGE, OLLUR,
THRISUSR DISTRICT.

BY ADV. SRI.C.DHEERAJ RAJAN

RESPONDENTS/DEFACTO COMPLAINANT :

1 **STATE OF KERALA**
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA-682 031.

2 **RAJEENA,**
AGED 33 YEARS,
D/O.SEBASTIAN, ANTHIKKADAN HOUSE,
PANDARAPARAMBU DESOM,
OLLUKARA VILLAGE,
THRISSUR DISTRICT-680 655.

R2 BY ADV. K.ANAND (A-1921)
R1 BY SRI.SANTHOSH PETER, SR.PP

OTHER PRESENT:

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 24.02.2020, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER

This is a proceedings under Section 482 of the Code of Criminal Procedure for quashing Annexure-A2 Final Report pending trial before the Judicial First Class Magistrate Court-III, Thrissur in C.C.No.2255 of 2016.

2. The petitioners are the accused in the said case. The case was one registered under Sections 323, 324, 498A and 506(i) read with Section 34 of the Indian Penal Code.

3. It is seen that the petitioners and the de facto complainant of the crime have amicably settled the disputes. An affidavit sworn to by the de facto complainant is part of the records.

4. Heard the learned counsel for the petitioners, the learned Public Prosecutor as also the learned counsel for the de facto complainant.

5. It is seen that the dispute arose on account of the matrimonial discord between the de facto complainant and her husband, the first accused. Though the matter is settled between the parties, I have examined the accusation in the case and found that this is a matter that could be settled and closed in the light of the decisions of the Apex Court in **Jitendra Raghuvanshi v.**

Babita Raghuvanshi, (2013) 4 SCC 58 and **Gian singh v. State of Punjab**, (2012) 10 SCC 303, invoking the jurisdiction under Section 482 of the Code of Criminal Procedure.

In the result, the Crl.M.C. is allowed and Annexure - A2 Final Report pending trial before the Judicial First Class Magistrate Court-III, Thrissur in C.C.No.2255 of 2016 and all further proceedings thereto are quashed.

Sd/-

P.B.SURESH KUMAR

JUDGE

rkj

APPENDIX

PETITIONER'S/S EXHIBITS:

ANNEXURE A1	**THE TRUE COPY OF FIR IN CRIME 1403/2016 REGISTERED BY THE OLLUR POLICE.**
ANNEXURE A2	**THE TRUE COPY OF THE FINAL REPORT FILED BY THE SUB INSPECTOR OF POLICE AGAINST THE PETITIONERS HEREIN.**
ANNEXURE A3	**THE TRUE COPY OF THE AFFIDAVIT FILED BY THE 2ND RESPONDENT EVIDENCING THE FACTUM OF SETTLEMENT.**