IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE V.G.ARUN

TUESDAY, THE 15TH DAY OF DECEMBER 2020 / 24TH AGRAHAYANA, 1942

Crl.MC.No.5179 OF 2020(F)

AGAINST THE JUDGMENT IN CC 406/2019 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, CHAVARA

CRIME NO.164/2019 OF Chavara Police Station , Kollam

PETITIONER/ACCUSED:

1 ANWARSHA
AGED 32 YEARS
S/O. SHIHABUDHEEN, MULLIYILKIZHAKKATHIL HOUSE,
MUKUNDAPURAM MURI, CHAVARA, KOLLAM DISTRICT.

2 RAMLA BEEVI
AGED 61 YEARS
W/O. SHIHABUDHEEN, MULLIYILKIZHAKKATHIL HOUSE,
MUKUNDAPURAM MURI, CHAVARA, KOLLAM DISTRICT.

3 SHIHANA
AGED 25 YEARS
D/O. SHIHABUDHEEN, MULLIYILKIZHAKKATHIL HOUSE,
MUKUNDAPURAM MURI, CHAVARA, KOLLAM DISTRICT.

4 KASIM
AGED 60 YEARS
S/O. MOIDEEN KUNHU, KOMAKKATHU PADEEKATHIL HOSUE,
MUKUNDAPURAM MURI, CHAVARA, KOLLAM DISTRICT.

BY ADV. SRI.K.RAKESH

RESPONDENT/STATE AND DE FACTO COMPLAINANT:

1 THE STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKUAL, KOCHI-682 031.

2 THE STATION HOUSE OFFICER
CHAVARA POLICE STATION, KOLLAM DISTRICT, PIN-691 583.

3 IRSHANA
AGED 27 YEARS
D/O. SUHARABEEVI, PALAMUTTAM VEEDU, EDAKULANGARA,
PULIYOORVANCHI SOUTH, KALLELIBHAGAM VILLAGE,
KARUNAGAPALLY TALUK, KOLLAM DISTRICT, PIN-690 523.

R3 BY ADV. K.S.PRAVEEN

OTHER PRESENT:

SR.PP.C.S.HRITHWIK

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 15.12.2020, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER

Dated this the 15th day of December 2020

Petitioners are the accused in Crime No.164/2019 registered at the Chavara Police Station, for the offence punishable under Section 498-A r/w 34 of IPC, now pending as C.C.No.406/2019 on the files of the Judicial First Class Magistrate Court, Chavara. The *de facto* complainant, at whose instance the crime was registered, is the 1st petitioner's wife and is arrayed as the 3rd respondent herein. Annexure-B affidavit has been filed by the 3rd respondent stating that the matrimonial dispute, which had compelled her to submit the complaint leading to registration of the crime, has been resolved amicably and the parties are residing separately and hence, she has no subsisting grievance against the petitioners.

2. Heard the learned Public Prosecutor also, who, on instructions, submits that the petitioners have no criminal antecedents.

3. Having considered the gravity of the offences alleged, nature of the injury caused and having perused the affidavit filed by the 3rd respondent, the contents of which are submitted to be true and voluntary, I am satisfied that the dispute is settled and no public interest is involved in this matter. Moreover, in view of the settlement, possibility of the criminal proceedings ending in conviction is remote. As such, continuance of the proceedings will amount to an abuse of process of court and hence, in view of the legal position set out by the Honourable Supreme Court in ***Madan Mohan Abbot v. State of Punjab*** [(2008) 4 SCC 582] and ***Gian Singh v. State of Punjab and another*** [(2012) 10 SCC 303], there is no

impediment in granting the relief sought.

In the result, this Crl.M.C is allowed. The proceedings in C.C.No.406/2019 on the files of the Judicial First Class Magistrate Court, Chavara is quashed.

Sd/-
V.G.ARUN
JUDGE

SB/15/12/2020

APPENDIX

PETITIONER'S/S EXHIBITS:

ANNEXURE A	**TRUE COPY OF THE FINAL REPORT IN CRIME NO.164/2019 OF THE CHAVARA POLICE STATION.**
ANNEXURE B	**AFFIDAVIT SWORN TO BY THE 3RD RESPONDENT DATED 2.8.2020.**

//true copy// P.A to Judge