IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE A. BADHARUDEEN

TUESDAY, THE 23RD DAY OF JULY 2024 / 1ST SRAVANA, 1946

CRL.MC NO. 1245 OF 2024

CRIME NO.76/2020 OF KAYAMKULAM POLICE STATION, ALAPPUZHA

CC NO.239 OF 2021 OF JUDICIAL MAGISTRATE OF FIRST CLASS COURT, KAYAMKULAM

PETITIONERS/ACCUSED 1,2 &3:

1 M.K. SHAHUL HAMEED
AGED 31 YEARS,
S/O KARIM, MELETH HOUSE, KEERIKKAD SOUTH, KEERIKKAD VILLAGE, ALAPPUZHA., PIN - 690502

2 RASEENA KARIM
AGED 53 YEARS
W/O KARIM, MELETH HOUSE, KEERIKKAD SOUTH, KEERIKKAD VILLAGE, ALAPPUZHA, PIN - 690502

3 SHADIYA KARIM
AGED 26 YEARS
D/O KARIM, MELETH HOUSE, KEERIKKAD SOUTH, KEERIKKAD VILLAGE, ALAPPUZHA., PIN - 690502

BY ADVS.SRI.M.R.SASITH
SMT.NEELANJANA NAIR
SMT.ANJANA SURESH.E

RESPONDENTS/STATE/DEFACTO COMPLAINANT:

1 STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF KERALA, PIN - 682031

2 AMALNA SULAIM
D/O SULAIMAN M, RESIDING AT KUZHUVELIL THARAYIL, KOTTUKULANGARA, ERUVA MURI, PATHIYOOR VILLAGE, ALAPPUZHA DISTRICT., PIN - 690572

3 THE STATION HOUSE OFFICER
KAYAMKULAM POLICE STATION, KAYAMKULAM, ALAPPUZHA., PIN - 695502

R2 BY ADV SMT. NANMA.B.B

R1 AND R3 BY PUBLIC PROSECUTOR SRI. M P PRASANTH

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 23.07.2024, THE COURT ON THE SAME DAY PASSED THE FOLLOWING.

ORDER

Dated this the 23rd day of July , 2024

This Criminal Miscellaneous Case has been filed under Section 482 of the Code of Criminal Procedure, 1973, to quash Annexure-A1 FIR and Annexure-A2 final report in Crime No.76/2020 of Kayamkulam Police Station, Alappuzha now pending as C.C.No. 239/2021 on the files of the Judicial First Class Magistrate Court-I, Kayamkulam. The petitioners herein are the accused 1 to 3 in the above case.

2. Heard the learned counsel for the petitioners, the learned counsel appearing for the de facto complainant, and the learned Public Prosecutor.

3. In this matter, offences punishable under Sections 323, 324, 354 A (iv), 354(B), 498 A, 294 (b) and 506 (ii) read with Section 34 of the Indian Penal Code, 1860 and Section 4 of the Muslim Women (Protection of Rights on Marriage) Act, 2019 are alleged to have been committed by the accused.

4. It is submitted that the matter has been amicably settled and the de facto complainant filed affidavit in this regard

in a case involving matrimonial dispute.

5. The learned Public Prosecutor also submitted that the matter has been settled between the parties and statement of the de facto complainant to that effect has been recorded.

6. Since the dispute has been settled between the parties, there is no reason to disallow the prayer for quashment, so as to facilitate peaceful living of the parties hereinafter. Therefore, in the interest of justice, I am inclined to allow this petition.

In the result, this petition stands allowed and all further proceedings in Annexures-A1 FIR and A2 Final Report in Crime No.76/2020 of Kayamkulam Police Station, Alappuzha now pending as CC No.239/2021 on the files of Judicial First Class Magistrate Court-I, Kayamkulam , stand quashed.

Sd/-

A.BADHARUDEEN
JUDGE

MJL

APPENDIX OF CRL.MC 1245/2024

PETITIONER'S ANNEXURES:

Annexure A1	**THE TRUE COPY OF THE FIR NO. 76/2020 OF KAYAMKULAM POLICE STATION REGISTERED BY THE 3RD RESPONDENT**
Annexure A2	**THE TRUE COPY OF THE FINAL REPORT IN CRIME NO.76/2020 OF KAYAMKULAM POLICE STATION, ALAPPUZHA NOW PENDING AS CC NO.239/2021 BEFORE THE HON'BLE FIRST CLASS MAGISTRATE COURT, KAYAMKULAM**
Annexure A3	**THE TRUE COPY OF THE AFFIDAVIT SWORN BY THE 2ND RESPONDENT**

RESPONDENTS' ANNEXURES: NIL

/TRUE COPY/

PA TO JUDGE