IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE A. BADHARUDEEN

THURSDAY, THE 1ST DAY OF AUGUST 2024 / 10TH SRAVANA, 1946

CRL.MC NO. 9356 OF 2023

CRIME NO.1518/2021 OF THRIKKAKARA POLICE STATION, ERNAKULAM

CC NO.216 OF 2022 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, KAKKANAD

PETITIONERS/ACUSED 1 TO 5

1 YAZER A.S.
AGED 37 YEARS
S/O. SAINUDHEEN P.K., ANDIPPATTIL HOUSE, ASOKAPURAM, MANACKAPADY, ALUVA, ERNAKULAM DISTRICT,, PIN - 683101

2 SAINUDHEEN P.K.,
AGED 68 YEARS
S/O.KUNJUBAVA ANDIPPATTIL HOUSE, ASOKAPURAM, MANACKAPADY, ALUVA, ERNAKULAM DISTRICT, PIN - 683101

3 SUBAIDA SAINUDHEEN
AGED 55 YEARS
W/O. SAINUDHEEN P.K., ANDIPPATTIL HOUSE, ASOKAPURAM, MANACKAPADY,ALUVA, ERNAKULAM DISTRICT, PIN - 683101

4 MUHASINA
AGED 36 YEARS
W/O. SANOJ, THANIKKAPARAMBIL HOUSE, MAROTTICHUVADU, EDAPPALLY, ERNAKULAM DISTRICT, PIN - 682024

5 SANOJ
AGED 41 YEARS
S/O.KUNJUMON, THANIKKAPARAMBIL HOUSE, MAROTTICHUVADU, EDAPPALLY, ERNAKULAM DISTRICT, PIN - 682024

BY ADV.SRI. K.A.ANEEZ FAHID

RESPONDENTS:

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

2 RAHANA P.N
AGED 30 YEARS,
D/O.P.K.NASSAR, PUTHENVEED HOUSE, THOPPIL ROAD, DESHEEYA KAVALA BHAGAM, VAZHAKKALA VILLAGE, KANAYANNOOR TALUK, ERNAKULAM DISTRICT, PIN - 682021

R1 BY SENIOR PUBLIC PROSECUTOR SRI.RENJIT GEORGE
R2 BY ADV.SRI. N.V.VINAY

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 24.07.2024, THE COURT ON 01.08.2024 PASSED THE FOLLOWING:

O R D E R

Dated this the 1st day of August, 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 Charge sheet and all further proceedings as against the petitioners in Crime No.1518/2021 of Thrikkakara Police Station pending as C.C.No.216/2022 on the files of the Judicial First Class Magistrate Court, Kakkanad. The petitioners herein are accused 1 to 5 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 498-A, 323 read with Section 34 of the Indian Penal Code,1860 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 quash Annexure A1 FIR and Annexure A2 charge sheet and all further proceedings as against the petitioners in Crime No.1518/2021 of Thrikkakara Police Station pending as C.C.No.216/2022 on the files of Judicial First Class Magistrate Court, Kakkanad.

Sd/-
A. BADHARUDEEN
JUDGE

MJL

APPENDIX OF CRL.MC 9356/2023

PETITIONERS' ANNEXURES:

Annexure-A1	THE CERTIFIED COPY OF F.I.R. IN CRIME NO.1518/2021 OF THRIKKAKKARA POLICE STATION
Annexure-A2	TRUE COPY OF THE FINAL REPORT DATED 24/02/2022 IN CRIME NO. 1518/2021 OF THRIKKAKARA POLICE STATION
Annexure-A3	TRUE COPY OF THE MUBARA'ATH AGREEMENT DTD 14/09/2022
Annexure-A4	THE ORIGNAL OF THE AFFIDAVIT DTD. 18-10-2023 SWORN BY THE 2ND RESPONDENT

RESPONDENTS' ANNEXURES: NIL

/TRUE COPY/

PA TO JUDGE