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. 2145 OF 2024

CRIME NO.1436/2016 OF VANCHIYOOR POLICE STATION, THIRUVANANTHAPURAM IN CC NO.1613 OF 2016 OF SPECIAL COURT OF JUDICIAL MAGISTRATE OF FIRST CLASS FOR TRIAL OF CASES U/S.138 NI ACT(JMFC XI), THIRUVANANTHAPURAM

PETITIONERS/ACCUSED NOS.1&2:

1 **JITHESH,**
AGED 43 YEARS,S/O VENU, KAYYALAPPARAMBIL HOUSE,
NEAR TO UC COLLEGE JUNCTION , KARUMALOOR KARA,
PARAVUR TALUK, ERNAKULAM DISTRICT, PIN-683102.

2 **RAVI,**
AGED 43 YEARS, S/O GOPALAKRISHNAN,
KADUKKAPPILLY VEETTIL, NEAR TO UC COLLEGE JUNCTION,
KARUMALOOR KARA, PARAVUR TALUK,
ERNAKULAM DISTRICT, PIN - 683102

BY ADVS.P.A.AYUB KHAN
NIJI K.SHAHUL

RESPONDENTS/COMPLAINANT & STATE:

1 **KAVIYOOR PONNAMMA,**
AGED 78 YEARS, W/O M.K MANI,
SREEPEEDAM VEETTIL, KARUMALOOR KARA,
KARAUMALOOR VILLAGE, PARAVUR TALUK,
KERALA, ERNAKULAM DISTRICT, PIN-683511.

2 **SUB INSPECTOR OF POLICE**
VANCHIYOOR POLICE STATION,
THIRUVANATHAPURAM DISTRICT, PIN-680732.

3 **STATE OF KERALA**
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, PIN-682031.

R2&R3 SRI.M.P.PRASANTH, PUBLIC PROSECUTOR

R3 ADVS.P.U.VINOD KUMAR
STIYA SIVAN
T.M.MUHAMMED MUSTHAQ

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 01.08.2024, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER

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 all further proceedings pursuant to Annexure A1 FIR and Annexure A2 Final Report in Crime No.1436/2016 of Vanchiyoor Police Station, Thiruvananthapuram, now pending as C.C.No.1613/2016 on the files of the Judicial First Class Magistrate Court-XI, Thiruvananthapuram. Petitioners herein are the accused in the above case.

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

3. In this matter, prosecution alleges commission of offences punishable under Sections 354D, 427 and 34 of the Indian Penal Code.

4. An affidavit sworn by the defacto complainant has been placed stating that the matter has been settled in

between them and she has no grievance in the matter of quashing the proceedings.

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

6. Since the matter has been amicably settled between the parties, there is no reason to disallow the prayer for quashment, so as to retain them in hazards of litigation. Therefore, in the interest of justice, I am inclined to allow this petition.

In the result, this petition stands allowed. Annexure A1 FIR and Annexure A2 Final Report in Crime No.1436/2016 of Vanchiyoor Police Station, Thiruvananthapuram, now pending as C.C.No.1613/2016 on the files of the Judicial First Class Magistrate Court-XI, Thiruvananthapuram, and the proceedings thereof stand quashed.

Sd/-
A. BADHARUDEEN
JUDGE

bpr

APPENDIX OF CRL.MC 2145/2024

PETITIONERS' ANNEXURES

Annexure A1	**A TRUE PHOTO COPY OF THE FIR NO 1436/2016 OF VANCHIYOOR POLICE STATION, THIRUVANANTHAPURAM**
Annexure A2	**A TRUE PHOTO COPY OF THE FINAL REPORT FILED BY THE VANCHIYOOR POLICE IN CRIME 1436/2016 BEFORE THE HONORABLE JUDICIAL FIRST CLASS MAGISTRATE COURT, XI THIRUVANATHAPURAM**
Annexure A3	**THE AFFIDAVIT DATED 13/02/2024 SWORN BY THE 1ST RESPONDENT/DEFACTO COMPLAINANT**