IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MRS. JUSTICE SOPHY THOMAS

WEDNESDAY, THE 14TH DAY OF FEBRUARY 2024 / 25TH MAGHA, 1945

CRL.MC NO. 10009 OF 2023

CRIME NO.0230/2020 OF Poojappura Police Station, Thiruvananthapuram

AGAINST THE ORDER/JUDGMENT CC 762/2020 OF ADDITIONAL CHIEF JUDICIAL MAGISTRATE, THIRUVANANTHAPURAM

PETITIONER/ACCUSED:

T.A SISSIL
AGED 68 YEARS
S/O TAIYEL ABDUL SAMAD, RESIDING AT T.C 51/2819, JRA 804-2, JAI NAGAR, PLAVILA, PUNNAKKAMUGAL, THIRUMALA P.O, THIRUVANANTHAPURAM, PIN - 695006

BY ADVS.
HARISH GOPINATH
MANJIMA UDAYAKUMAR

RESPONDENTS/STATE:

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

2 SUB INSPECTOR OF POLICE
POOJAPPURA POLICE STATION, THIRUVANANTHAPURAM, PIN - 695012

3 LATHEEFA
AGED 65 YEARS
D/O ASUMA BEEVI, RESIDING AT T.C 51/2819, JRA 804-2, JAI NAGAR, PLAVILA, PUNNAKKAMUGAL, THIRUMALA P.O, THIRUVANANTHAPURAM, PIN - 695006

BY ADV SANIL KUNJACHAN

SR.PP-SRI.RENJIT GEORGE

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 14.02.2024, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

SOPHY THOMAS, J
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Crl.M.C.No.10009/2023
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Dated this the 14th day of February, 2024

ORDER

This Crl.M.C. under Section 482 of CrPC is filed by the accused in Crime No.230/2020 of Poojappura Police Station, Thiruvananthapuram, pending as C.C.No.762/2020 on the file of Additional Chief Judicial Magistrate Court, Thiruvananthapuram, registered under Sections 323, 324 and 506(ii) of IPC, for quashing Annexure A1 final report.

2. The prosecution allegation is that, the petitioner, who is the husband of the 3rd respondent/de-facto complainant, brutally manhandled her on various occasions, when she questioned him about his illicit relationship with another lady.

3. When the matter is taken up for consideration, learned counsel for the petitioner would submit that, the matter has been amicably settled and produced Annexure A2 affidavit filed by the de-facto complainant, stating that the entire dispute has been settled, and she is not intending to prosecute this matter any further.

4. Learned Public Prosecutor obtained instructions regarding the settlement, and produced signed statement of the de-facto complainant, in which she has stated that, she has no objection in quashing Annexure A1 final report. Since the matter stands settled, this Court is of the view that, there is no purpose in proceeding with the criminal prosecution initiated against the petitioner.

5. In the light of the principles laid down by the Hon'ble Supreme Court in ***Gian Singh v. State of Punjab and Another*** [(2012) 10 SCC 303] and ***State of Madhya Pradesh v. Laxmi Narayanan and others*** [(2019) 5 SCC 688], this Court is of the view that the proceedings can be quashed on the basis of settlement.

In the result, this Criminal Miscellaneous Case is allowed, and Annexure A1 final report in C.C.No.762/2020 on the file of Additional Chief Judicial Magistrate Court, Thiruvananthapuram, stands quashed.

Sd/-

SOPHY THOMAS
JUDGE

ACR

APPENDIX OF CRL.MC 10009/2023

PETITIONER ANNEXURES

Annexure A1	CERTIFIED DIGITAL COPY OF THE FINAL REPORT DATED 23/09/2020 IN CRIME NO.230/2020 OF POOJAPPURA POLICE STATION ALONG WITH ENCLOSURES
Annexure A2	TRUE COPY OF THE AFFIDAVIT SWORN BY THE 3RD RESPONDENT