IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MRS. JUSTICE SOPHY THOMAS

THURSDAY, THE 11TH DAY OF JANUARY 2024 / 21ST POUSHA, 1945

CRL.MC NO. 10432 OF 2023

CRIME NO.502/2022 OF Elathur Police Station, Kozhikode

AGAINST THE ORDER/JUDGMENT CC 1031/2022 OF JUDICIAL MAGISTRATE OF FIRST CLASS -I,KOYILANDY

PETITIONERS/ACCUSED:

1 KADAR ABOOBACKER AGED 51 YEARS S/O ABOOBACKER, AL SABAKA PALACE, PULLOOKKARA.P.O., THALASSERY TALUK, KANNUR., PIN - 670673

2 FAYIS MAMATH POYIL AGED 26 YEARS S/O.KADAR ABOOBACKER, AL SABAKA PALACE, PULLOOKKARA.P.O., THALASSERY TALUK, KANNUR., PIN - 670673

3 SEENATH AGED 47 YEARS W/O.ABOOBAKER, AL SABAKA PALACE, PULLOOKKARA.P.O., THALASSERY TALUK, KANNUR., PIN - 670673

BY ADVS. D.ARUN BOSE K.VISWAN

RESPONDENTS/3RD RESPONDENT/DEFACTO COMPLAINANT

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

2 STATION HOUSE OFFICER ELATHUR POLICE STATION, KOZHIKODE DISTRICT., PIN - 673303

3 SAFA.T AGED 23 YEARS D/O.SIDHIQUE, SANA HOUSE, THALAKALATHUR.P.O., KOZHIKODE., PIN - 673317

PP-SRI.PRASANTH M.P.

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 11.01.2024, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER

Dated this the 11th day of January , 2024

This Crl.M.C., under Section 482 of Cr.P.C., is filed by accused Nos.1 to 3 in Crime No.502 of 2022 of Elathur Police Station, Kozhikode, registered under Sections 354, 354-B, 498-A, 341 and 34 of IPC .

2. The prosecution allegation is that the petitioners, who are the husband and in-laws of the defacto complainant, subjected her to matrimonial cruelties, demanding more gold and money and moreover, the 2nd petitioner, father in law outraged her modesty.

3. When the matter is taken up for consideration, learned counsel for the petitioners submitted that the dispute stands settled between themselves and the defacto complainant. The defacto complainant entered appearance through counsel, and submitted that the matter is settled, and Annexure III is the affidavit filed by her, endorsing the settlement. She has no intention to proceed with the

prosecution. She has no objection in quashing the proceedings pending against the petitioners pursuant to Crime No.502 of 2022 of Elathur Police Station, Kozhikode.

4. On instructions, learned Public Prosecutor submitted that the matter is settled, and produced her signed statement to the effect that she is not intending to proceed with the prosecution, and she has no objection in quashing Annexure II final report in C.C.No.1031 of 2022.

5. Since the matter stands settled, no purpose would be served by continuing the prosecution against the petitioners.

6. In the light of the principles laid down by the Apex Court in ***Gian Singh v. State of Punjab and Another; [(2012) 10 SCC 303)],*** and ***State of Madhya Pradesh v. Laxmi Narayan and Others; [(2019) 5 SCC 688],*** this Court is of the view that the proceedings against the petitioners can be quashed on the basis of settlement.

Moreover, the dispute is purely personal in nature and no public interest is involved in it.

Adverting to the above facts and circumstances, this Court is inclined to allow this Crl.MC, and accordingly Annexure II final report in C.C.No.1031 of 2022 stands quashed.

Sd/-
SOPHY THOMAS
JUDGE

SSK/11/01

APPENDIX OF CRL.MC 10432/2023

PETITIONER ANNEXURES

Annexure I	CERTIFIED COPY OF THE F.I.R IN CRIME NO.502/2022 OF ELATHUR POLICE STATION, KOZHIKODE DISTRICT DATED 02.07.2022.
Annexure II	CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO.502/2022 DATED 26.09.2022.
Annexure III	AFFIDAVIT OF THE 3RD RESPONDENT DATED 16.10.2023 BEFORE NOTARY PUBLIC KOYILANDY.
Annexure IV	TRUE COPY OF THE JUDGMENT DATED 10.01.2023 IN CRL.M.C.NO. 216 OF 2023 ON THE FILE OF THIS HONOURABLE COURT.