IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE A. BADHARUDEEN

MONDAY, THE 5TH DAY OF AUGUST 2024 / 14TH SRAVANA, 1946

CRL.MC NO. 5145 OF 2024

CRIME NO.1072/2021 OF ARANMULA POLICE STATION, PATHANAMTHITTA

C.C. NO.871 OF 2022 OF JUDICIAL MAGISTRATE OF FIRST CLASS -I, PATHANAMTHITTA

PETITIONERS/ACCUSED NOS.1 TO 3:

1 SUKU V
AGED 49 YEARS
S/O E K VIJAYAN , THEKKEKARA HOUSE, EDAYILAMURI, EDAPPERIYARAM, ELANTHOOR VILLAGE, PATHANAMTHITTA DISTRICT, PIN - 689643

2 E K VIJAYAN
AGED 82 YEARS
S/O RAMAKRISHNAN, THEKKEKARA HOUSE, EDAYILAMURI, EDAPPERIYARAM, ELANTHOOR VILLAGE, PATHANAMTHITTA DISTRICT, PIN - 689643

3 SUMAN V
AGED 54 YEARS
S/O E K VIJAYAN , THEKKEKARA HOUSE, EDAYILAMURI, EDAPPERIYARAM, ELANTHOOR VILLAGE, PATHANAMTHITTA DISTRICT, PIN - 689643

BY ADVS.
M.T.SURESHKUMAR
MANJUSHA K
SREELAKSHMI SABU

RESPONDENTS/STATE & DEFACTO COMPLAINANT:

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

2 THARA THANKAN
AGED 42 YEARS
D/O THANKAN, MUNDAKATHIL HOUSE, KUTTIKKONAM, KUNNIKKODE P O , KOTTARAKKARA TALUK, KOLLAM., PIN - 691508

PP - M P PRASANTH

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 05.08.2024, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER

Dated this the 5th 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.A2 Final Report in Crime No.1072/2021 of Aranmula Police Station, Pathanamthitta, now pending as C.C. No.871/2022 on the files of the Judicial First Class Magistrate Court-I, Pathanamthitta.

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, offences punishable under Sections 406, 498(A), 323, 451 read with 34 of IPC are alleged to have been committed by the accused and the defacto complainant is none other than the wife of the 1st accused.

4. An affidavit sworn by the defacto complainant has been placed stating that the matter has been settled in between the parties 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 settled, there is no reason to disallow the prayer for quashment, so as to facilitate peaceful living of the married couple. Therefore, in the interest of justice, I am inclined to allow this petition.

In the result, this petition stands allowed. Annexure.A2 Final Report in Crime No.1072/2021 of Aranmula Police Station, Pathanamthitta, now pending as C.C. No.871/2022 on the files of the Judicial First Class Magistrate Court-I, Pathanamthitta and the proceedings thereof stand quashed.

Sd/-
A. BADHARUDEEN
JUDGE

SK

APPENDIX OF CRL.MC 5145/2024

PETITIONER ANNEXURES :

Annexure A1	**TRUE COPY OF THE FIR AND FIS IN CRIME NO.1072 OF 2021 OF ARAMULA POLICE STATION DATED 13-10-2021**
Annexure A2	**CERTIFIED COPY OF THE FINAL REPORT DATED 6-7-2022 IN CRIME NO. 1072 OF 2021 PENDING ON THE FILES OF THE JFCM-1, PATHANAMTHITTA PENDING AS CC NO. 871 OF 2022**
Annexure A3	**ORIGINAL AFFIDAVIT SWORN BY THE DEFACTO COMPLAINANT DATED 1-5-2024**

RESPONDENTS’ ANNEXURES : NIL