2024:KER:60003

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE A. BADHARUDEEN

TUESDAY, THE 6TH DAY OF AUGUST 2024 / 15TH SRAVANA, 1946

CRL.MC NO. 5372 OF 2024
CRIME NO.504/2020 OF KADAVANTHRA POLICE STATION, ERNAKULAM
CC NO.196 OF 2021 OF JUDICIAL FIRST CLASS MAGISTRATE - VIII, ERNAKULAM

PETITIONER/ACCUSED:

BRIJESH KUMAR
AGED 44 YEARS
C/O.M.SASIKUMAR, RESIDING AT SONG APARTMENT, PONNETH TEMPLE ROAD, NEAR GIRIDHAR EYE HOSPITAL, KADAVANTHARA P.O., ERNAKULAM, PIN - 682020

BY ADVS.
PHILIP T.VARGHESE
THOMAS T.VARGHESE
RIJI RAJENDRAN
MITHA SUDHINDRAN
SOURADH C. VALSON
ANGELINA JOY
THEJUS THOMAS KATTADY

RESPONDENTS/DE FACTO COMPLAINANT & STATE:

1 **AISWARIA S.,**
AGED 39 YEARS
W/O.DILEEP G.NAIR, RESIDING AT FLAT NO.5E, CLEAR WAY, CELESTIAL APARTMENTS, KUMARANASAN NAGAR, KADAVANTHRA, ERNAKULAM, PIN - 682020

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

R1 BY ADVS.
GIA MATHAI KANDATHIL
I.ARIF MUHAMMAD(K/792/2007)

R2 BY SR.PUBLIC PROSECUTOR SRI.RENJIT GEORGE

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 25.07.2024, THE COURT ON 6.8.2024 THE SAME DAY PASSED THE FOLLOWING:

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ORDER

Dated this the 6th day of August, 2024

This criminal miscellaneous case has been filed under Section 482 of the Code of Criminal Procedure, 1973, to quash Annexure-B Final Report and all further proceedings in C.C.No.196/2021 on the files of the Judicial First Class Magistrate Court-VIII, Ernakulam, arose out of Crime No.504/2020 of Kadavanthra police station, Ernakulam. The petitioner herein is the sole accused in the above case.

2. Heard the learned counsel for the petitioner, the learned counsel appearing for the de facto complainant and the learned Public Prosecutor.

3. In this matter, offences punishable under Sections 354A(1)(ii)(iii)(iv) of the Indian Penal Code and Section 120(o) of the Kerala Police Act, 2011, 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.

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The de facto complainant stated in the affidavit that she has no intention to proceed further in this matter.

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 matter has been amicably 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 Criminal Miscellaneous Case stands allowed. Annexure-B Final Report and all further proceedings in C.C.No.196/2021 on the files of the Judicial First Class Magistrate Court-VIII, Ernakulam, arose out of Crime No.504/2020 of Kadavanthra police station, Ernakulam, against the petitioner herein, stand quashed.

Sd/-
A. BADHARUDEEN
JUDGE

Bb

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APPENDIX OF CRL.MC 5372/2024

PETITIONER'S ANNEXURES

ANNEXURE A	**TRUE COPY OF THE FIR AND FIS IN CRIME NO.504/2020 OF KADAVANTHARA POLICE STATION, ERNAKULAM DATED 15.07.2020**
ANNEXURE B	**CERTIFIED COPY OF THE FINAL REPORT IN CC NO.196/2021 IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE-VIII, ERNAKULAM DATED 15.11.2020**
ANNEXURE C	**AFFIDAVIT OF THE 1ST RESPONDENT/DE-FACTO COMPLAINANT DATED 13.06.2024**

RESPONDENTS' ANNEXURES : NIL