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. 5870 OF 2024

CRIME NO.904/2020 OF KOYILANDY POLICE STATION, KOZHIKODE

IN C.C. NO.122 OF 2021 OF JUDICIAL MAGISTRATE OF FIRST CLASS-I, KOYILANDY

PETITIONERS/ACCUSED 1 AND 2:

1 BABEESH P
AGED 41 YEARS
S/O BHASKARAN PRANAVAM, PERUTHAYIL, KATALUR-PO MOODADI,
KOZHIKODE DISTRICT, PIN - 673529

2 KAMALA
AGED 62 YEARS
W/O BHASKARAN PRANAVAM, PERUTHAYIL, KATALUR-PO MOODADI,
KOZHIKODE DISTRICT, PIN - 673529

BY ADV P.VENUGOPAL

RESPONDENTS/STATE/DEFACTO COMPLAINANT:

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

2 STATION HOUSE OFFICER
KOYILANDY POLICE STATION, KOYILANDY KOZHIKODE DISTRICT,
PIN - 673305

3 DHANYA MATHEW
AGED 35 YEARS
D/O MATHEW, CHURUKAYIL PARA HOUSE, PERUVANNAMOOZHI-PO,
PERAMBRA, KOYILANDY TALUK, KOZHIKODE DISTRICT, PIN - 673528

SR PP - RENJIT GEORGE

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 Annexure-2 Final Report in Crime No.904/2020 of Koyilandy Police Station, Kozhikode, now pending as C.C. No.122/2021 on the files of the Judicial First Class Magistrate Court, Koyilandy.

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 498(A), 406, 324 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-2 Final Report in Crime No.904/2020 of Koyilandy Police Station, Kozhikode, now pending as C.C. No.122/2021 on the files of the Judicial First Class Magistrate Court, Koyilandy and the proceedings thereof stand quashed.

Sd/-
A. BADHARUDEEN
JUDGE

SK

APPENDIX OF CRL.MC 5870/2024

PETITIONER ANNEXURES :

Annexure 1	**CERTIFIED COPY OF THE F.I.R IN CRIME NO:904/2020 OF KOYILANDY POLICE STATION, DATED 07.09.2020 TOGETHER WITH THE FIRST INFORMATION STATEMENT OF THE THIRD RESPONDENT**
Annexure 2	**CERTIFIED COPY OF THE FINAL REPORT SUBMITTED BY THE SECOND RESPONDENT IN CRIME NO:904/2020 DATED 30.10.2020 TOGETHER WITH THE MEMORANDUM OF EVIDENCE**
Annexure 3	**AFFIDAVIT DULY EXECUTED BY THE THIRD RESPONDENT DATED 01-07-2024**

RESPONDENTS’ ANNEXURES : NIL