

Suhail vs State of Kerala

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SooperKanoon Citation : sooperkanoon.com/1284480

Court : Kerala

Decided On : Feb-08-2024

Judge : Honourable Mrs. Justice Sophy Thomas

Appeal No. : Crl.MC/75/2024

Appellant : Suhail

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MRS. JUSTICE SOPHY THOMAS THURSDAY, THE 8TH DAY OF FEBRUARY 2024 / 19TH MAGHA, 1945 CRL.MC NO. 75 OF 2024 CRIME NO.545/2022 OF Chokli Police Station, Kannur AGAINST THE ORDER/JUDGMENT CC 474/2023 OF JUDICIAL MAGISTRATE OF FIRST CLASS ,THALASSERY PETITIONERS/ACCUSED:

1 SUHAIL AGED 40 YEARS S/O USMAN, MANIKOTH HOUSE, MEKKUNNU, CHOCKLI, KANNUR DISTRICT, PIN - 670675 2 SULAIKA AGED 60 YEARS W/O.USMAN, MANIKOTH HOUSE, MEKKUNNU,CHOCKLI, KANNUR DISTRICT, PIN - 670675 3 NUFALJA AGED 35 YEARS D/O USMAN, MANIKOTH HOUSE, MEKKUNNU,

CHOCKLI, KANNUR DISTRICT, PIN - 670675 4 NUSAIBA AGED 40 YEARS D/O USMAN,MANIKOTH HOUSE, MEKKUNNU,CHOCKLI, KANNUR DISTRICT, PIN - 670675 BY ADVS. M.P.PRIYESHKUMAR SHANAVAS NALAKATH RANDUPURAYIL

RESPONDENTS/COMPLAINANT:

1 STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF KERALA, PIN - 682031 2 SHERMINA.K AGED 25 YEARS W/O SUHAIL, FATHIMA MANZIL, KIDARANKUNNU, KURICHIYIL,NEW MAHE, KANNUR,, PIN - SRI. VIPIN NARAYAN A -SR.PP THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 08.02.2024, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER

This CrI.M.C., under Section 482 of Cr.P.C., is filed by accused Nos.1 to 4 in Crime No.545 of 2022 of Chokli Police Station, Kannur, registered under Section 498A of IPC, for quashing Annexure C final report in C.C.No.474 of 2023 on the file of Judicial First Class Magistrate Court, Thalassery.

2. The prosecution allegation is that, the accused persons, who are the husband and in-laws of the defacto complainant/2nd respondent, subjected her to matrimonial cruelties, demanding more gold and money.

3. When the matter is taken up for consideration,

learned counsel for the petitioners submitted that the matter stands settled between themselves and the defacto complainant/2nd respondent. The defacto complainant entered appearance through counsel, and submitted that the matter is settled, and Annexure D affidavit was filed by her, endorsing the settlement. Neither she has got any intention to proceed

with the prosecution, nor any objection in quashing Annexure C final report in C.C.No.474 of 2023.

4. On instructions, learned Public Prosecutor submitted

that the matter is settled, and produced the signed statement of the 2nd respondent, to the effect that she is not intending to proceed with the prosecution, and she has no objection in quashing Annexure C final report in C.C.No.474 of 2023.

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.

In the result, this Crl.M.C. is allowed and Annexure C final report in C.C.No.474 of 2023 on the file of Judicial First Class Magistrate Court, Thalassery, stands quashed. Sd/- SOPHY THOMAS JUDGE ska APPENDIX OF CRL.MC 75/2024 PETITIONER ANNEXURES Annexure A A CERTIFIED COPY OF THE COMPLAINT FILED BY THE 2ND

RESPONDENT BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE, THALASSERY Annexure B A CERTIFIED COPY OF THE FIR IN CRIME NO.545/2022 OF CHOCKLI POLICE STATION, KANNUR Annexure C A CERTIFIED COPY OF THE FINAL REPORT IN C.C.474/2023 ON THE FILE OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT, THALASSERY Annexure D THE AFFIDAVIT SWORN BY THE SECOND RESPONDENT DATED 21.10.2023

