

Siju S. Alias Siju vs the State of Kerala Represented by the Public Prosecutor

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Court : Kerala

Decided On : Feb-29-2024

Judge : Honourable Mrs. Justice Sophy Thomas

Appeal No. : Crl.MC/6963/2023

Appellant : Siju S. Alias Siju

Respondent : The State of Kerala Represented by the Public Prosecutor

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MRS. JUSTICE SOPHY THOMAS
THURSDAY, THE 29TH DAY OF FEBRUARY 2024 / 10TH PHALGUNA,
1945 CRL.MC NO. 6963 OF 2023 CRIME NO.265/2022 OF
ERAVIPURAM POLICE STATION, Kollam AGAINST THE
ORDER/JUDGMENT DATED IN CC NO.813 OF 2022 OF JUDICIAL
MAGISTRATE OF FIRST CLASS -II, KOLLAM
PETITIONERS/ACCUSED 1 AND 2: 1 SIJU S. ALIAS SIJU AGED 35
YEARS S/O SAJU, KOVILAKAM HOUSE, NEAR THEVARANADAKK,
KADAKKAVOOR, CHIRAYINKEEZHU, THIRUVANANTHAPURAM, ., 2

BABY AGED 58 YEARS W/O SAJU, KOVILAKAM HOUSE, NEAR THEVARANADAKK, KADAKKAVOOR, CHIRAYINKEEZHU, THIRUVANANTHAPURAM,, BY ADV M.R.SASITH RESPONDENTS/DEFACTO COMPLAINANT : 1 THE STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR HIGH COURT OF KERALA, ERNAKULAM,, PIN - 682031 2 MEENU S. AGED 30 YEARS D/O BABURAJAN, KOOTIL VADAKKATHIL, MAYYANADU P.O., KOLLAM,, PIN - 691303 3 THE SUB INSPECTOR ERAVIPURAM POLICE STATION, KOLLAM,, PIN - 691011 BY ADV REJINA R.THAJ OTHER PRESENT: PP-SRI.PRASANTH M.P THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 29.02.2024, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: CRL.MC NO. 6963 OF 2023 2

ORDER

This Crl.M.C. under Section 482 of Cr.P.C. is filed by accused Nos.1 and 2 in Crime No.265/2022 of Eravipuram Police Station, Kollam, registered under Sections 498A read with Section 34 of IPC, for quashing the proceedings in Annexure A1 FIR and Annexure A2 final report in C.C.No.813/2022, on the file of Judicial First Class Magistrate Court-II, Kollam.

2. The prosecution allegation is that, the petitioners, who are

the husband and mother in law of the defacto complainant, tortured her physically and mentally, demanding more money and gold, and also alleging that, she was not good looking.

3. When the matter is taken up for consideration, learned

counsel for the petitioners would submit that the matter stands settled, and they produced Annexure-A3 affidavit of the 2 nd respondent, endorsing the factum of settlement, and stating that, she has no intention to continue with the prosecution. She has no objection in quashing the proceedings in C.C.No.813/2022, pending against the petitioners before Judicial First Class Magistrate Court-II, Kollam.

4. Learned Public Prosecutor on instructions submitted that

CRL.MC NO. 6963 OF 2023 3 the matter has been settled, and he produced the signed statement of the 2nd respondent, stating that as the matter is settled, she has no objection in quashing the proceedings in C.C.No.813/2022.

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. In the result, this Crl.M.C. is allowed and the proceedings in Annexure A1 FIR and Annexure A2 final report in C.C.No.813/2022, on the file of Judicial First Class Magistrate Court-II, Kollam, stand quashed. Sd/- SOPHY THOMAS JUDGE ska CRL.MC NO. 6963 OF 2023 4 APPENDIX OF CRL.MC 6963/2023 PETITIONER ANNEXURES Annexure A1 THE CERTIFIED COPY OF THE FIR REGISTERED BY THE 3RD RESPONDENT Annexure A2 THE CERTIFIED COPY OF THE FINAL REPORT IN

CRIME NO.265/2022 OF ERAVIPURAM POLICE STATION, KOLLAM NOW PENDING AS CC NO.813/2022 BEFORE THE HON'BLE FIRST CLASS MAGISTRATE COURT-II, KOLLAM Annexure A3 THE AFFIDAVIT SWORN BY THE 2ND RESPONDENT

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