

Fathima vs State of Kerala

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Court : Kerala

Decided On : Feb-29-2024

Judge : Honourable Mr.Justice V.G.Arun

Appeal No. : Crl.MC/7013/2023

Appellant : Fathima

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE V.G.ARUN THURSDAY, THE 29TH DAY OF FEBRUARY 2024 / 10TH PHALGUNA, CRL.MC NO. 7013 OF 2023 CRIME NO.227/2015 OF VIDYA NAGAR POLICE STATION, Kasargod AGAINST THE ORDER/JUDGMENT DATED IN CC NO.1965 OF 2015 OF JUDICIAL MAGISTRATE OF FIRST CLASS, KASARAGOD PETITIONER/S: 1 FATHIMA AGED 55 YEARS W/O.BASHEER, RESIDING AT ABBAS QUARTERS, 2 RASAREENA AGED 36 YEARS W/O.ABDUL RASAK, RESIDING AT ABBAS QUARTERS, 3 SALAM @ ABDUL SALAM AGED 28 YEARS S/O.BASHEER, RESIDING AT ABBAS QUARTERS, BY ADVS. T.MADHU C.R.SARADAMANI RESPONDENT/S: 1 STATE OF KERALA

REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, PIN - 682031 2 THE STATION HOUSE OFFICER VIDYANAGAR POLICE STATION, KASARAGOD DISTRICT, PIN - 671123 3 SAFIYA AGED 41 YEARS W/O.YOUSUF, RESIDING AT ABBAS QUARTERS, PADINHARE MOOLA, ALAMPADY P.O, MUTTATHODY VILLAGE, KASARAGOD DISTRICT, PIN - 671121 OTHER PRESENT: SR.GP.PREETHA K.K. THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 29.02.2024, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER

Dated this the 29th day of February, 2024 Petitioners are accused Nos.1 to 3 in Crime No.227 of 2015 registered at the Vidya Nagar Police Station for offences punishable under Sections 341, 323 and 354 r/w Section 34 of IPC, now pending as C.C.No.1965 of 2015 on the files of the Judicial First Class Magistrate Court, Kasaragod. The de facto complainant is arrayed as the third respondent. Annexure- A3 affidavit has been filed by the third respondent stating that the dispute, which had compelled her to file the complaint, leading to registration of the crime, has been settled amicably and she has no subsisting grievance against the petitioners.

2. Heard the learned Public Prosecutor also, who, on instructions, submits that no antecedents are reported against the petitioners.

3. Having considered the gravity of the

offences alleged, nature of the injury caused and having perused the affidavit, the contents of which are vouched to be true and voluntary by the learned Counsel for the third respondent, I am satisfied that no public interest is involved in this matter and the dispute has been settled amicably. Moreover, in view of the settlement arrived at between the parties, there is no possibility of the criminal proceedings ending in conviction. As such, continuance of the proceedings will amount to an abuse of process of court and hence, in view of the legal position set out by the Honourable Supreme Court in Madan Mohan Abbot v State of Punjab [(2008) 4

SCC 582] and Gian Singh v State of Punjab and Another [(2012) 10 SCC 303], there is no impediment in granting the relief. In the result, this Crl.M.C is allowed. Annexure A2 final report and all further proceedings in C.C.No.1965 of 2015 on the files of the Judicial First Class Magistrate Court, Kasaragod, are quashed. Sd/- V.G.ARUN JUDGE ScI/ APPENDIX OF CRL.MC 7013/2023 PETITIONER ANNEXURES Annexure-A1 THE CERTIFIED COPY OF THE FIR DATED VIDYANAGAR POLICE STATION Annexure-A2 THE CERTIFIED COPY OF THE FINAL REPORT DATED 30/7/2015 IN CRIME NO. 227/2015 OF VIDYANAGAR POLICE STATION Annexure-A3 THE AFFIDAVIT DATED 2/8/2023 SWORN IN BY THE THIRD RESPONDENT

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