

**Shijil vs State of Kerala**

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**SooperKanoon Citation :** [sooperkanoon.com/1308317](https://sooperkanoon.com/1308317)

**Court :** Kerala

**Decided On :** Mar-01-2024

**Judge :** Honourable Mr.Justice P.G. Ajithkumar

**Appeal No. :** Crl.MC/1393/2024

**Appellant :** Shijil

**Respondent :** State of Kerala

**Judgement :**

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE P.G. AJITHKUMAR FRIDAY, THE 1ST DAY OF MARCH 2024 / 11TH PHALGUNA, 1945 CRIME NO.1117/2021 OF Panangad Police Station, Ernakulam AGAINST THE ORDER/JUDGMENT DATED IN CC NO.27 OF 2023 OF JUDICIAL FIRST CLASS MAGISTRATE - VIII, ERNAKULAM PETITIONERS/ACCUSED NOS.1-3 :- 1 SHIJIL, AGED 35 YEARS S/O SHIVADASAN KOMOROTH HOUSE KUMBALAM P.O ERNAKULAM, PIN - 682056 2 SHIVADASAN, AGED 59 YEARS S/O NEELIKUTTY KOMOROTH HOUSE KUMBALAM P.O 3 VANAJA SHIVADASAN, AGED 56 YEARS W/O SHIVADASAN KOMOROTH HOUSE KUMBALAM P.O BY ADV C.J.VARGHESE VINU RESPONDENTS/STATE & DEFACTO COMPLAINANT :- 1 STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF

KERALA, PIN - 682031 2 KARTHIKA, AGED 29 YEARS D/O RAGHAVAN MANJILIKKADU HOUSE KUMBALAM P.O BY ADV STIYA SIVAN SRI.VIPIN NARAYANAN, PP THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 01.03.2024, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

## **ORDER**

Petitioners have invoked the jurisdiction under Section 482 Cr.P.C to quash all proceedings against them.

2. Petitioners are accused Nos.1 to 3 in C.C.No.27 of 2023 on the

files of the Judicial First Class Magistrate Court-VIII, Ernakulam, registered for the offences punishable under Section 498A r/w Section 34 of the Indian Penal Code, 1860. The second respondent is the defacto complainant.

3. The case of the prosecution is as follows :- The 2nd respondent is the wife of the 1 st petitioner and daughter-in-law of petitioners 2 and 3. The petitioners tortured the 2 nd respondent in order to give more money as dowry and thereby committed the offences alleged.

4. Heard the learned counsel for the petitioners and the learned counsel for the respondent, apart from the learned Public Prosecutor.

5. The learned counsel for the petitioners submitted that the matter

has been settled and hence the proceedings against the petitioners ought to be quashed. It was also submitted that, considering the nature of offences alleged, no purpose would be served by continuing the proceedings.

6. In Gian Singh v. State of Punjab and Another [(2012) 10 SCC 303], the Apex Court has held that in appropriate cases, the High Court can

take note of the amicable resolution of disputes between the victim and the wrongdoer to put an end to the criminal proceedings. This view was reiterated in Narinder Singh and Others v. State of Punjab and Another [(2014) 6 SCC 466]

and Yogendra Yadav and Others v. State of Jharkhand and Another [(2014) 9 SCC 653].

7. Annexure-A3 is a copy of the mediation agreement dated

01.02.2024 arrived at between the parties. The 2<sup>nd</sup> respondent has filed Annexure-A4 affidavit. The learned Public Prosecutor has submitted that upon verification, it is understood that the affidavit is genuine, and the defacto complainant stands by the contents thereof. I am satisfied that the matter has been settled and no public interest is involved in this case. There is no impediment for granting the prayer for quashing. The continuance of the proceedings will only be an exercise in futility.

Accordingly, this Crl.M.C is allowed. Further proceedings against the petitioners in C.C.No.27 of 2023 on the files of the Judicial First Class Magistrate Court-VIII, Ernakulam, are quashed. Sd/- P.G. AJITHKUMAR JUDGE SMA APPENDIX OF CRL.MC 1393/2024 PETITIONER ANNEXURES :-

Annexure A1 CERTIFIED COPY OF FIR AND FIS IN CC 27/2023Annex

DATED 01/2/2024 IN MC 279/2021 ON THE FILES OF FAMILY COURT ERNAKULAM Annexure A4 AFFIDAVIT SWORN BY SECOND RESPONDENT

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