

Deepak vs State of Kerala

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Court : Kerala

Decided On : Aug-08-2024

Judge : Honourable Mr. Justice a. Badharudeen

Appeal No. : Crl.MC/5122/2024

Appellant : Deepak

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE A. BADHARUDEEN THURSDAY,
THE 8TH DAY OF AUGUST 2024 / 17TH SRAVANA, 1946 CRIME NO.260/2018
OF AYIROOR POLICE STATION, THIRUVANANTHAPURAM CC NO.1010 OF
2018 OF JUDICIAL MAGISTRATE OF FIRST CLASS,VARKALA
PETITIONERS/ACCUSED NOS.1 TO 4:

1 DEEPAK AGED 42 YEARS S/O.RAVEENDRAN UNNITHAN, DEEPAK
NIVAS, PANAYARA, CHEMMARUTHY DESOM, CHEMMARUTHY
VILLAGE, THIRUVANANTHAPURAM DISTRICT, PIN - 695146 2
RAVEENDRAN UNNITHAN AGED 74 YEARS S/O.NARAYANAN,
DEEPAK NIVAS, PANAYARA, CHEMMARUTHY DESOM, 3

USHAKUMARI AGED 66 YEARS D/O.RUKMINI, DEEPAK NIVAS, PANAYARA, CHEMMARUTHY DESOM, 4 DIVYA AGED 36 YEARS D/O.USHAKUMARI, DEEPAK NIVAS, PANAYARA, CHEMMARUTHY DESOM, BY ADVS. K.SIJU ANJANA KANNATH MARIYA JOSE

RESPONDENTS/STATE & DE FACTO COMPLAINANT:

1 STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF KERALA, ERNAKULAM, PIN - 682031 2 STATION HOUSE OFFICER AYIROOR POLICE STATION, THIRUVANANTHAPURAM RURAL, PIN - 3 REMYA RAJ AGED 39 YEARS D/O.RAJENDRAN PILLAI, USHUS, BHAJANA MADAM JUNCTION, PUTHENKULAM DESOM, CHIRAKKARA VILLAGE, KOLLAM DISTRICT, PIN - R1 & R2 BY SR.PUBLIC PROSECUTOR SRI.RENJIT GEORGE R3 BY ADV.MUHAMMED RAFI THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON

31.07.2024, THE COURT ON 8.8.2024 PASSED THE FOLLOWING:

ORDER

Dated this the 8th day of August, 2024 This Criminal Miscellaneous Case has been filed under Section 482 of the Code of Criminal Procedure, 1973, to quash Annexure A1 FIR, Annexure A2 Final Report in C.C.No.1010/2018 on the files of the Judicial First Class Magistrate Court-I, Varkala, arose out of Crime No.260/2018 of Ayiroor Police Station, Thiruvananthapuram and all further proceedings thereunder. The petitioners herein are accused Nos.1 to 4 in the above case.

2. Heard the learned counsel for the petitioners, the learned counsel appearing for the de facto complainant and the learned Public Prosecutor.

3. In this matter, offences punishable under Sections 498A and 323 r/w Section 34 of the Indian Penal Code, are alleged to have been committed by the accused.

4. It is submitted that the matter has been amicably settled and the de facto complainant filed affidavit in this regard in a case involving matrimonial dispute.

5. The learned Public Prosecutor also submitted that the matter has been settled between the parties and statement of the de facto complainant to that effect has been recorded.

6. Since the dispute has been settled between the

parties, there is no reason to disallow the prayer for quashment, so as to facilitate peaceful living of the parties hereinafter. Therefore, in the interest of justice, I am inclined to allow this petition. In the result, this petition stands allowed. Annexure A1 FIR, Annexure A2 Final Report in C.C.No.1010/2018 on the files of the Judicial First Class Magistrate Court-I, Varkala, arose out of Crime No.260/2018 of Ayiroor Police Station, Thiruvananthapuram and all further proceedings thereunder, against the petitioners herein, stand quashed. Sd/- A. BADHARUDEEN JUDGE
Bb APPENDIX OF CRL.MC 5122/2024 PETITIONERS' ANNEXURES
ANNEXURE A1 THE CERTIFIED COPY OF FIR WITH FIS IN CRIME NO.260/2018 OF AYIROOR POLICE STATION DATED 01.03.2018 ANNEXURE A2 THE CERTIFIED COPY OF FINAL REPORT IN CRIME NO.260/2018 OF AYIROOR POLICE STATION DATED 20.04.2018 ANNEXURE A3 THE AFFIDAVIT SWORN BY THE 3RD RESPONDENT/DE-FACTO COMPLAINANT REGARDING COMPROMISE DATED 29.05.2024 RESPONDENTS' ANNEXURES : NIL

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