

Febin Sayed Mohammed vs State of Kerala

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Court : Kerala

Decided On : Aug-07-2024

Judge : Honourable Mr. Justice a. Badharudeen

Appeal No. : Crl.MC/6021/2024

Appellant : Febin Sayed Mohammed

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE A. BADHARUDEEN
WEDNESDAY, THE 7TH DAY OF AUGUST 2024 / 16TH SRAVANA, 1946
CRL.MC NO. 6021 OF 2024 IN C.C. NO.448 OF 2023 OF JUDICIAL
MAGISTRATE OF FIRST CLASS - I, KARUNAGAPPALLY
PETITIONERS/ACCUSED 1 TO 3:

1 FEBIN SAYED MOHAMMED AGED 30 YEARS S/O M. SAIDU
KUNJU, RESIDING AT ALAKOTTU PUTHEN VEEDU, MADATHIL
KARAYAMA P.O, OACHIRA, KOLLAM, PIN - 690526 2 BEENA SAYED
AGED 61 YEARS W/O SAIDU KUNJU, RESIDING AT ALAKOTTU
PUTHEN VEEDU, MADATHIL KARAYAMA P.O, OACHIRA, KOLLAM.,

PIN - 690526 3 MOHAMMED RASHID AGED 49 YEARS S/O ABDUL RAHMAN KUNJU, RESIDING AT KOCHU VEEDU, VADAKKUTHALA EAST P.O, KOLLAM., PIN - 690536 BY ADV MAJIDA.S

RESPONDENTS/STATE, INVESTIGATING OFFICER & DEFACTO COMPLAINANT:

1 STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, PIN - 682031 2 STATION HOUSE OFFICER OCHIRA POLICE STATION, KOLLAM, PIN - 690526 3 NOWRIN RASHEED AGED 28 YEARS D/O ABDUL RASHEED, RESIDING AT KALLELIL FIRDOUS, KOZHIKODE WEST, AYANIVELIKULANGARA, KARUNAGAPPALLY, KOLLAM, PIN - 690573 BY ADVS. PRAVEEN K.S. J.MUHAMMED AMEER(K/000/155/2003) ASHIQ MUHAMMAD S.(K/001158/2021) PP - M P PRASANTH

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 31.07.2024, THE COURT ON 07.08.2024 PASSED THE FOLLOWING:

ORDER

Dated this the 7th day of August, 2024 This Criminal Miscellaneous Case has been filed under Section 482 of the Code of Criminal Procedure, 1973, to quash all further proceedings pursuant to Annexure.A1 Final Report in Crime No.57/2023 of Ochira Police Station, Kollam, now pending as C.C. No.448/2023 on the files of the Judicial First Class Magistrate Court, Karunagappally. The petitioners herein are accused Nos. 1 to 3 in the above case.

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

3. In this matter, offence punishable under Section 498(A) is alleged to have been committed by the accused and the defacto complainant is none other than the wife of the 1st accused.

4. An affidavit sworn by the defacto complainant has been placed stating that the matter has been settled in between the parties and she has no grievance in the matter of quashing the proceedings.

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

6. Since the matter has been settled, there is no

reason to disallow the prayer for quashment, so as to facilitate peaceful living of the married couple. Therefore, in the interest of justice, I am inclined to allow this petition. In the result, this petition stands allowed. Annexure.A1 Final Report in Crime No.57/2023 of Ochira Police Station, Kollam, now pending as C.C. No.448/2023 on the files of the Judicial First Class Magistrate Court, Karunagappally and the proceedings thereof as against the petitioners stand quashed. Sd/- A. BADHARUDEEN JUDGE SK APPENDIX OF CRL.MC 6021/2024 PETITIONER ANNEXURES :

Annexure A1 THE CERTIFIED COPY OF THE FINAL REPORT DATED 01/04/2023 IN C.C NO. 448/2023 BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT, KARUNAGAPPALLY Annexure A2 TRUE COPY OF THE F.I.R. DATED 15.01.2023 IN CRIME NO.57/2023 OF OCHIRA POLICE STATION, KOLLAM DISTRICT Annexure A3 THE AFFIDAVIT OF 3RD RESPONDENT EVIDENCING THE SETTLEMENT DATED RESPONDENTS ANNEXURES : NIL

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