

**Sushant Kumar, vs State of Kerala**

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**SooperKanoon Citation :** [sooperkanoon.com/1356458](https://sooperkanoon.com/1356458)

**Court :** Kerala

**Decided On :** Apr-25-2023

**Judge :** Honourable Mr.Justice Ziyad Rahman a.a.

**Appeal No. :** Crl.MC/3321/2023

**Appellant :** Sushant Kumar,

**Respondent :** State of Kerala

**Judgement :**

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE ZIYAD RAHMAN A.A.  
TUESDAY, THE 25TH DAY OF APRIL 2023 / 5TH VAISAKHA, 1945 CC  
83/2022 OF JUDICIAL MAGISTRATE OF FIRST CLASS,  
OTTAPPALAM CRIME NO.379 OF 2021 OF SREEKRISHNAPURAM  
POLICE STATION, PALAKKADU PETITIONER/ACCUSED 1 TO 4: 1  
SUSHANT KUMAR, AGED 32 YEARS S/O SH. K.K SASI, HOUSE NO:  
12, GOLDEN ENCLAVE, RANAJI ENCLAVE, PART-1, NAJAFGARH, 2  
K.K. SASI, AGED 60 YEARS S/O KAIPPALIMALIL KUNJAPPY, HOUSE  
NO: 12, GOLDEN ENCLAVE, RANAJI ENCLAVE-PART-1,  
NAJAFGARH, 3 SUVARNNA SASI AGED 58 YEARS W/O K.K. SASI,  
HOUSE NO: 12, GOLDEN ENCLAVE, RANAJI ENCLAVE-PART-1,

NAJAFGARH, 4 SUSHMITA SASI AGED 28 YEARS D/O SUVARRNA, HOUSE NO: 12, GOLDEN ENCLAVE, RANAJI ENCLAVE, NAJAFGARH-PART-1, DISTRICT SOUTH WEST DELHI, DELHI, PIN - 110043 BY ADVS. ASWATHI S. KUMAR MINI GANGADHARAN RESPONDENTS/STATE OF KERALA & DEFACTO COMPLAINANT: 1 STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, PIN - 682031

2 DEETIKA SHRIDHARAN AGED 32 YEARS, D/O SHRIDHARAN,A.K. HOUSE, KALLUVAZHI P.O. THANAKKAL, THIRUVAZHIYODU, PALAKKADU - 6 HAVING ALL TIME ADDRESS: BX 34, AASHADH APARTMENT, RING ROAD, TRIMURTI NAGAR, NAGPUR, MAHARASHTRA-, PIN - 440022 BY ADV ADV V.A.HAKEEM ADV MAYA ANTHARJANAM - PUBLIC PROSECUTOR THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 25.04.2023, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

## **ORDER**

The petitioners are the accused in Crime No.379 of 2021 of Sreekrishnapuram Police Station, which is now pending before the Judicial First Class Magistrate Court, Ottappalam as C.C. No.83/2022. The offence alleged against the petitioners is under Section 498A of IPC. The 2 nd respondent is the defacto complainant who is the wife of the 1st petitioner. The petitioners 2 and 3 are the parents of the 1st petitioner and the 4th petitioner is the sister of the 1st petitioner. This CrI.M.C. is filed to quash Annexure A1 FIR and Annexure A3 final report submitted in the aforesaid case.

2. Heard Sri.Mini Gangadharan, the learned counsel appearing for the petitioners, Smt.Maya Antharjanam appearing for the State and Sri.V.A.Hakeem learned counsel for the 2 nd respondent.

3. The prayer to quash the proceedings is sought by the

petitioners on the ground that the matter has been settled between the parties. Today when the matter came up for consideration, the defacto complainant was physically present along with her counsel. The learned counsel for the defacto complainant as well as the defacto complainant confirmed that the matter is settled. They have also stated that, the affidavit filed along with this CrI.M.C. substantiating the settlement between the parties is executed by her. The learned Public Prosecutor also interacted with the defacto complainant and before the the learned Public Prosecutor also the defacto complainant confirmed the settlement of the dispute.

4. On going through the records it is evident that, the

dispute which is the subject matter of the crime is private in nature and no public interest is involved. In such circumstances, I am of the view that, the powers of this Court under Section 482 of Cr.P.C. can be invoked for the purpose of terminating the proceedings prematurely taking note of the settlement arrived between the parties. In the result, this CrI.M.C. is allowed. Annexure A3 final report submitted in Crime No.379/2021 of Sreekrishnapuram Police Station which is now pending before the Judicial First Class Magistrate Court, Ottappalam as C.C. No.83/2022 is hereby quashed. Sd/- ZIYAD RAHMAN A.A. JUDGE scs APPENDIX OF CRL.MC 3321/2023 PETITIONER ANNEXURES Annexure A1 TRUE COPY OF FIR NO: 379/2021 OF SREEKRISHNAPURAM POLICE STATION Annexure A2 TRUE COPY OF THE FIRST INFORMATION STATEMENT OF THE 2ND RESPONDENT Annexure A3 TRUE COPY OF THE CHARGE SHEET IN C.C NO: 83/2022 ON THE FILE OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT, OTTAPPALAM Annexure A4 THE TRUE COPY OF AADHAR CARD FOR THE 1ST PETITIONER. Annexure A5 THE TRUE COPY OF AADHAR CARD FOR THE 2ND RESPONDENT. Annexure A6 THE TRUE COPY OF THE MARRIAGE CERTIFICATE FOR THE 1ST PETITIONER DATED 4.06.2019. Annexure A7 TRUE COPY OF SETTLEMENT AGREEMENT /

CONSENT TERMS FOR MUTUAL CONSENT DIVORCE DATED 05.04.2023 IN PETITION : E-159/2022 OF THE FAMILY COURT, NAGPUR. Annexure A8 TRUE COPY OF SETTLEMENT AGREEMENT / CONSENT TERMS FOR MUTUAL

CONSENT DIVORCE DATED 05.04.2023 IN PETITION : A-1566/2022 OF THE FAMILY COURT, NAGPUR. 1 Annexure A9 TRUE TRUE COPY OF AFFIDAVIT SIGNED AND

EXECUTED BY THE 2ND RESPONDENT DATED 10.04.2023 EXPRESSING HER DESIRE TO QUASH THE CASE: C.C NO: 83/2022 ON THE FILE OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT, OTTAPPALAM

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