

Ibrahim K. a vs Naseema

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Court : Kerala

Decided On : Nov-30-2023

Judge : Honourable Mr. Justice Gopinath P.

Appeal No. : Crl.MC/9776/2023

Appellant : Ibrahim K. a

Respondent : Naseema

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE GOPINATH P.
THURSDAY, THE 30TH DAY OF NOVEMBER 2023 / 9TH
AGRAHAYANA, 1945 CRL.MC NO. 9776 OF 2023 CRIME NO.204/2022
OF Kumbala Police Station, Kasargod AGAINST THE
ORDER/JUDGMENT CC 223/2022 OF JUDICIAL MAGISTRATE OF
FIRST CLASS -II, KASARAGOD PETITIONER/ACCUSED: IBRAHIM K.
A AGED 37 YEARS S/O. ABDULLA, K. K. PURAM, KUMBLA, MOGRAL
VILLAGE, KASARAGOD, PIN - 671321 BY ADV ANN SUSAN GEORGE
RESPONDENT/COMPLAINANT AND STATE: 1 NASEEMA AGED 35
YEARS D/O. ABDULLA, LULU APARTMENTS, BANDIYOD,
MANJESHWAR TALUK, KASARAGOD, PIN - 671323 2 THE SUB

INSPECTOR OF POLICE KUMBLA POLICE STATION, KASARAGOD DISTRICT, PIN - 671321 3 THE STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM, PIN - 682031 SRI. P.M RAFIQ SRI G. SUDHEER (PP) THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 30.11.2023, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: CRL.MC NO. 9776 OF 2023 2

ORDER

Petitioner is the sole accused in Crime No.204/2022 of Kumbala police station, Kasargod district, which is now pending as C.C. No.223/2022 on the file of the Judicial First Class Magistrate Court-II, Kasargod, alleging commission of offence punishable under Section 498A of the Indian Penal Code.

2. Learned counsel appearing for the petitioner would

submit that the entire issues between the petitioner and the 1st respondent (the de facto complainant) have been settled. Learned counsel appearing for the petitioner also refers to Annexure-II affidavit executed by the 1st respondent to establish that the entire issues between the petitioner and the 1st respondent have been settled and the 1st respondent does not intend to continue with the proceedings against the petitioner.

3. Learned Public Prosecutor and the learned counsel

appearing for the 1st respondent affirms that the entire disputes between the petitioner and the 1st respondent have been settled and that the 1st respondent does not wish to continue with the proceedings against the petitioner.

4. Having heard the learned counsel appearing for the

petitioner, learned Public Prosecutor and the learned counsel CRL.MC NO. 9776 OF 2023 3 appearing for the 1st respondent, I am of the view that this CrI.M.C. can be allowed on the ground of settlement. There is no public interest involved in continuing the proceedings against the petitioner. Therefore, in exercise of the

jurisdiction vested in this Court under Section 482 of the Code of Criminal Procedure, further proceedings against the petitioner can be quashed on the ground of settlement. Accordingly, the Crl.M.C is allowed and all further proceedings in C.C. No.223/2022 on the file of the Judicial First Class Magistrate Court-II, Kasargod (arising out of Crime No.204/2022 of Kumbbla police station) will stand quashed as against the petitioner. Sd/- GOPINATH P. JUDGE ajt CRL.MC NO. 9776 OF 2023 4 APPENDIX OF CRL.MC 9776/2023 PETITIONER ANNEXURES Annexure.I THE CERTIFIED COPY OF THE FINAL REPORT IN C.

C. NO. 223 / 2022 ON THE FILES OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT - II, KASARAGOD, IN CRIME NO. 204 / 2022 OF KUMBLA POLICE STATION, KASARAGOD DISTRICT Annexure.II THE AFFIDAVIT DATED 08.09.2023. SWORN IN BY THE 1ST RESPONDENT

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