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Shahida vs State of Kerala

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Court : Kerala

Decided On : Dec-26-2023

Judge : Honourable Mr.Justice Basant Balaji

Appeal No. : Crl.MC/10417/2023

Appellant : Shahida

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE BASANT BALAJI TUESDAY, THE 26TH DAY OF DECEMBER 2023 / 5TH POUSHA, 1945 CRL.MC NO. 10417 OF 2023 CRIME NO.774/2022 OF Kannanalloor Police Station, Kollam AGAINST THE ORDER/JUDGMENT CC 1209/2022 OF JUDICIAL MAGISTRATE OF FIRST CLASS -II,KOTTARAKKARA PETITIONER: SHAHIDA AGED 34 YEARS W/O NAVAS, KUTTIVILA HOUSE, MANJALIMUKKU, MAYYANAD VILLAGE, KOLLAM DISTRICT, PIN - 691303 BY ADVS. C.R.JAYAKUMAR NOBEL RAJU ALEENA JOSE RESPONDENTS: 1 STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF KERALA, PIN - 682031 2 THE

STATION HOUSE OFFICER KANNANALLOOR POLICE STATION, KANNANALLOOR PO, KOLLAM DISTRICT, PIN - 691576 3 ANZIYA AGED 31 YEARS D/O ABDUL AZEEZ, ANZI MANZIL, PALLIMON KIZHAKKEKARA CHERI, PALLIMON VILLAGE, PALLIMON PO, KOLLAM, PIN - OTHER PRESENT: SMT. SEENA C, PP THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON CRL.MC NO. 10417 OF 2023 2 26.12.2023, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: CRL.MC NO. 10417 OF 2023 3

ORDER

(Dated this the 26th day of December, 2023) Petitioner is the accused in Crime No.774/2022, registered at the Kannanalloor Police Station for offenses punishable under Section 498 A r/w 34 of IPC, now pending as C.C.No.1209/2022 on the files of the Judicial First Class Magistrate Court-II, Kottarakkara. The de facto complainant/3rd respondent has no subsisting grievances existing. Annexure-A3 affidavit has been filed by the 3rd respondent stating that the entire dispute between the petitioner and the 3rd respondent has been settled amicably. There are no disputes subsisting.

2. Heard the learned Public Prosecutor also, who, on

instructions, submits that the petitioner has no criminal antecedents. A statement of the 3rd respondent is also recorded by the station house officer in which she reiterated that the

issues are settled.

3. Having considered the gravity of the offences alleged,

the nature of the injury caused, and having perused the affidavit filed by the 3rd respondent, the contents of which are submitted CRL.MC NO. 10417 OF 2023 4 to be true and voluntary, I am satisfied that the dispute is settled and that no public interest is involved in this matter. Moreover, in view of the settlement, possibility of

the criminal proceedings ending in conviction is remote. As such, the continuance of the proceedings will amount to an abuse of the process of court and hence, in view of the legal position set out by the Honourable Supreme Court in Madan Mohan Abbot v. State of Punjab [(2008) 4 SCC 582] and Gian Singh v. State of Punjab and another [(2012) 10 SCC 303], there is no impediment in granting the relief sought. In the result, this Crl.M.C is allowed and Annexure A1- FIR, A2 - final report and all further proceedings in C.C.No.1209/2022 on the files of the Judicial First Class Magistrate Court-II, Kottarakkara, are quashed. Sd/- BASANT BALAJI,JUDGE SRJ CRL.MC NO. 10417 OF 2023 5 APPENDIX OF CRL.MC 10417/2023 PETITIONER ANNEXURES Annexure A1 TRUE COPY OF THE FIR IN CRIME NO. 774/2022 OF KANNANALLOOR POLICE STATION, KOLLAM DATED 03.08.2022 Annexure A2 TRUE COPY OF THE FINAL REPORT IN CRIME NO. KOLLAM DATED 29.08.2022 Annexure A3 THE AFFIDAVIT PREPARED BY THE 3RD RESPONDENT DATED 28/11/2023

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