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Ratheesh vs State of Kerala

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SooperKanoon Citation : sooperkanoon.com/1603719

Court : Kerala

Decided On : Sep-30-2021

Judge : Honourable Mr. Justice K.Haripal

Appeal No. : Crl.MC/279/2018

Appellant : Ratheesh

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE K.HARIPAL THURSDAY, THE 30TH DAY OF SEPTEMBER 2021 / 8TH ASWINA, 1943 CRL.MC NO. 279 OF 2018 AGAINST THE ORDER/JUDGMENT IN CC 4196/2016 OF JUDICIAL MAGISTRATE OF FIRST CLASS ,CHAVAKKAD, THRISSUR PETITIONER/ACCUSED NO. 1: RATHEESH AGED 34 YEARS AGED 34 YEARS, S/O.RAJAN, KUNNATHULLI HOUSE, POTTORU AMSOM DESOM, THRISSUR DISTRICT. BY ADVS. SRI.M.A.ABDUL HAKHIM SRI.JOSEPH GEORGE KANNAMPUZHA RESPONDENTS//COMPLAINANT, DEFACTO COMPLAINANT & ACCUSED NO.2: 1 STATE OF KERALA REPRESENTED BY THE SUB INSPECTOR OF POLICE, GURUVAYOOR POLICE STATION, THRISSUR DISTRICT, THROUGH

PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM, PIN-682031. 2 SAFNATH AGED 21 YEARS, W/O.SAIDU MUHAMMED, AMBALAH HOUSE, P.O.THAMARAYOOR, CHAVAKKAD TALUK, PIN-680505. 3 MUHAMMED SHEFEER AGED 33 YEARS, S/O.ALIKUTTY HAJI, VETTENCHERI HOUSE, AVIYOOR, PUNNAYOOR VILLAGE, THRISSUR DISTRICT, PIN-679562.

BY ADVS. SRI.A.C.KURIAKOSE SRI.K.G.SARATHKUMAR THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 30.09.2021, ALONG WITH Crl.MC.5467/2020, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE K.HARIPAL THURSDAY, THE 30TH DAY OF SEPTEMBER 2021 / 8TH ASWINA, 1943 CRL.MC NO. 5467 OF 2020 (Cr. NO. 451 OF 2015 OF GURUVAYOOR POLICE STATION, THRISSUR DISTRICT) AGAINST THE ORDER/JUDGMENT IN CC 4196/2016 OF JUDICIAL MAGISTRATE OF FIRST CLASS ,CHAVAKKAD, THRISSUR PETITIONER/ACCUSED NO. 2: MOHAMMED SHAFEER AGED 37 YEARS S/O. ALIKUTTY HAJI, VETTANJEERI HOUSE, AVIYUR DESOM, AVIYUR P.O., PUNNAYUR AMSOM, CHAVAKKAD TALUK, THRISSUR DISTRICT, PIN-680518. BY ADV V.BINOY RAM RESPONDENTS/DEFACTO COMPLAINANT/ACCUSED NO.1/COMPLAINANT: 1 SAFANATH AGED 27 YEARS D/O. SAIDU MOHAMMED, AMBALATH VEETTIL, THAMARAYUR DESOM, PERAKAM AMSOM, CHAVAKKAD TALUK, THRISSUR DISTRICT, PIN-680518. 2 RATHEESH, AGED 36 YEARS S/O.RAJAN, KUNNATHULLI HOUSE, PATTORE AMSOM, PATTORE DESOM, THRISSUR DISTRICT, PIN-680581. 3 STATE OF KERALA, REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA ERNAKULAM, PIN-682031. BY ADV SRI.P.PREMARAJAN SR.PP - SRI. HRITHWIK C.S., THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 30.09.2021, ALONG WITH Crl.MC.279/2018, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER

These Criminal Miscellaneous Cases are filed under Section 482 of the Cr.P.C., by accused numbers 1 and 2 respectively in C.C. No. 4196 of 2016 pending before the Judicial First Class Magistrate Court, Chavakkad.

2. The case had originated on a private complaint moved by

Safnath, who is the 2nd respondent in Crl.M.C.No. 279 of 2018 and 1st respondent in Crl.M.C. No. 5467 of 2020, alleging offence punishable under Sections 420, 468, 471 read with Section 34 of the IPC. On completion of investigation charge sheet has been laid before Judicial First Class Magistrate which is now pending. Muhammed Shefeer and Safnath were husband and wife. Later matrimonial dispute arose and the matter came before the Family Court. Now they are divorced. During the pendency of the Crl.M.C. NO. 279 of 2018, the disputes were referred for mediation in High Court mediation centre and all the disputes have been settled among the parties. In the light of the settlement, Annexure-4 affidavit has been filed by the said Safnath in Crl.M.C. No. 5467 of 2020 where she has made eminently clear that entire dispute has been settled and she does not want to pursue the proceedings and that she has no objection in quashing the proceedings.

3. I heard the learned counsel for the petitioners and also the learned Senior Public Prosecutor.

4. In the light of the clear version of the defacto complainant

in C.C.No. 4167, who is the first witness, no purpose will be served by conntinuing the proceedings. Subject matter of dispute relates to some money transactions which stand settled amicably. Therefore, both the Criminal Miscellaneous Cases are allowed and entire proceedings in C.C. No. 4196 of 2016 pending before the Judicial First Class Magistrate Court, Chavakad are here by quashed and the petitioners shall stand exonerated. The Criminal Miscellaneous Cases are allowed as above. Sd/- K. HARIPAL JUDGE RMV/30/09/2021 APPENDIX OF CRL.MC 279/2018 PETITIONER ANNEXURE ANNEXURE A1- A PHOTOSTAT COPY OF

THE COMPLAINT DATED 20/05/2015 IN

C.C.NO.1091/2015 FILED BY THE PETITIONER AGAINST THE 2ND RESPONDENT IN JUDICIAL FIRST CLASS MAGISTRATE COURT, CHAVAKKAD.

ANNEXURE A2- A PHOTOSTAT COPY OF THE FIR IN CRIME NO.451/2015 DATED ANNEXURE A3- A CERTIFIED COPY OF THE FINAL REPORT DATED 22/10/2016 IN C.C.NO.4196/2016 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT, CHAVAKKAD. APPENDIX OF CRL.MC 5467/2020 PETITIONER ANNEXURE ANNEXURE 1 ACCUSED COPY OF THE FIRST INFORMATION REPORT DATED 19.4.2015 IN CR.NO.451/2015 OF GURUVAYUR POLICE STATION ALONG WITH COMPLAINT. ANNEXURE 2 ACCUSED COPY OF THE FINAL REPORT DATED 22.10.2016 IN CR.NO.451/2015 OF GURUVAYUR POLICE STATION. ANNEXURE 3 TRUE COPY OF THE COMMON JUDGMENT IN MAT.A.1183/2017 AND MAT.A.1192/2017 OF THIS HON'BLE COURT DATED 8.1.2020 ALONG WITH MEMORANDUM OF AGREEMENT. ANNEXURE 4 ORIGINAL AFFIDAVIT SWORN BY THE 1ST RESPONDENT DATED 5.11.2020.

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