

XXX vs Yyy

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SooperKanoon Citation : sooperkanoon.com/1638385

Court : Kerala

Decided On : Oct-06-2021

Judge : Honourable Mrs. Justice M.R.Anitha

Appeal No. : Crl.MC/2954/2021

Appellant : XXX

Respondent : YYY

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MRS. JUSTICE M.R.ANITHA
WEDNESDAY, THE 6TH DAY OF OCTOBER 2021 / 14TH ASWINA,
1943 AGAINST THE ORDER/JUDGMENT IN CC 11/2021 OF JUDICIAL
MAGISTRATE OF FIRST CLASS -II, THAMARASSERY, KOZHIKODE
PETITIONER/S: IFTHIKKAR AGED 42 YEARS S/O MUHAMMED
PANANGODAN HOUSE CHENNAMANGALLUR, MUKKOM
KOZHIKODE, PIN 673602 BY ADV M.R.SASITH RESPONDENT/S: 1
BABY JUSNA D/O KAMMUKUTTY PURAYIL HOUSE,
THALAPPERUMANNA DESAM KODUVALLI VILLAGE,
THAMARASSERY TALUK KOZHIKODE - 600052

2 STATE OF KERALA, REPRESENTED BY THE PUBLIC
PROSECUTOR HIGH COURT OF KERALA, ERNAKULAM, PIN-682013
3 THE SUB INSPECTOR MUKKOM POLICE STATION, KOZHIKODE-
673602 BY. SMT.C.SEENA, PUBLIC PROSECUTOR THIS CRIMINAL
MISC. CASE HAVING COME UP FOR ADMISSION ON 06.10.2021,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER

This Cr C has been filed seeking quash the proceedings. C.No.11/ 2021 pending on the judicial File- II, Thamar y, Kozhikode arising out of Cr 2020 of Mukkom Police Station registered under Sections 341, 323 and 324 of the PC and under Section 75 of the Juvenile Justice (Care and Protection of Children) Act, 2015. 2. Petitioner husband of act . It is alleged that on 28. 10. 2020 at about 17. 00 hrs., when the daughter and the act aint approached the shop of the petitioner for the purpose of purchasing some school articles, the act aint manhandled the act and the daughter and her by committed the offence.

3. Annexure

e-A1 is the copy of the FIR in Cr 2020, Annexure e-A2 is the copy of the final report in C. C. No. 11/ 2021 and Annexure e-A3 is the affidavit sworn in by the 1st respondent .

4. Adv .Vidya G Nair, appeared on behalf of act aint and report about the settlement arrived in between the act aint and act .

5. The I

learned Public Prosecutor on instructions submitted that in the signed statement of the act aint she agreed to the statement submitted by her . Annexure e-A3 would show that the act aint settled her matter with the act aint and she has no surviving grati . The petitioner pronounced that al al and she accepted it. The petitioner agreed to maintain the children and hence, she has no grievance against it, his father and al al . She al al that she has no objection in quashing the proceedings against it . In para No. 3 of the af t, she has al al that her daughter I nsha and her self have no complaint against the act aint and she is swearing that his af

ton behalf of the daughter. In the said circumstances, it has come out that the parties have amicably settled the matters again and they have no further grievance. Therefore, continuation of proceedings against the same is an abuse of process of court.

6. I

In the result, the Cr.C. is allowed. All further proceedings against the same in C.C. No. 11/2021 on the judicial file of the Court-I, Thamaraiyil Cr. No. 0729/2020 of the Mukkam Police Station are hereby quashed. Sd/- M. R. ANITHA JUDGE avs

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