

Aboobacker Siddique, vs State of Kerala,

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Court : Kerala

Decided On : Oct-01-2021

Judge : Honourable Mrs. Justice M.R.Anitha

Appeal No. : Crl.MC/3684/2021

Appellant : Aboobacker Siddique,

Respondent : State of Kerala,

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MRS. JUSTICE M.R.ANITHA FRIDAY,
THE 1ST DAY OF OCTOBER 2021 / 9TH ASWINA, 1943 CRL.MC NO.
3684 OF 2021 (CRIME NO.57/2021 OF KOPPAM POLICE STATION,
PALAKKAD DISTRICT) PETITIONER/ACCUSED: ABOOBACKER
SIDDIQUE, AGED 40 YEARS S/O.MOIDEEN, MANEKKATHODI VEED,
VALLAPUZHA, PATTAMBI, KOPPAM, PALAKKAD, KERALA, INDIA, BY
ADV ELDHO MATHEW RESPONDENTS/STATE & COMPLAINANT:

1 STATE OF KERALA, REPRESENTED BY THE PUBLIC
PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM, PIN-682
031. 2 MUHAMMEDI ALI, AGED 43 YEARS S/O.MOIDEEN,

MANEKKATHODI HOUSE, VALLAPPUZHA P.O., PALAKKAD DISTRICT, PIN-679 336, NOW RESIDING AT CHOLAKKAL QUARTERS, KOPPAM, PULASSERY POST, PALAKKAD DISTRICT, 3 NASEEBA, AGED 33 YEARS W/O.MUHAMMEDALI, MANEKKATHODI HOUSE, VALLAPPUZHA P.O., PALAKKAD DISTRICT, PIN-679 336,

NOW RESIDING T CHOLAKKAL QUARTERS, KOPPAM, PULASSERY POST, PALAKKAD DISTRICT, BY ADV K.S.STEJO BY ADV.C.SEENA - PUBLIC PROSECUTOR THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 01.10.2021, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER

Dated this the 1st day of October, 2021 This CrI.M.C. has been filed seeking to quash the FIR in Crime No.57/2021 of Koppam Police Station, registered under Sections 452, 323, 324, 294(b), 354, 308, 506(ii) of IPC.

2. It is alleged that on 05.3.2021 at about 18.45 hours the

accused trespassed into the rented house of the defacto complainant at Koppam and attempted to strike at the head of the defacto complainant with a liver spanner hold by him, which was evaded by the defacto complainant, thereby it touched on her shoulder and ultimately touched on her lips and thereby sustained injuries to the lips and tongue. When his wife tried to intervene, she was also abused and pushed down and torn her maxi and thereby her modesty was outraged. Thereby, accused committed the offences aforementioned.

3. It has come out that the petitioner is none other than

the brother of the 2nd respondent and 3rd respondent is wife of the 2nd respondent. They have amicably settled the matter and allegations in the complainant would reveal that the 2nd respondent sustained injuries only on lips and tongue. No other grievous injuries has been sustained. Now the petitioner and the respondents who are brothers have settled the matter amicably in between them. 3rd respondent is wife of the 2nd respondent.

4. Hence, there is no impediment in quashing the further

proceedings against the petitioners. Continuation of the criminal proceedings against the petitioners will not serve any useful purpose and it will be an abuse of process of court.

5. In *Gian Singh v. State of Punjab and Another*

(2012 (10) SCC 303 : 2012 KHC 4530) a three Judge Bench of the Hon'ble Supreme Court while dealing with Section 482 of the Code of Criminal Procedure, 1973 has held that criminal cases having civil flavour and arising from criminal financial merchantile, civil, partnership, matrimony relating to dowry or family disputes where wrong is private or personal in nature can be quashed in view of the settlement between the parties.

6. Adv.K.S.Stejo, the learned counsel for the defacto complainant, would report that the matter has been settled between the respondent Nos.2 and 3 and the petitioner.

7. The learned Public Prosecutor submitted that the signed

statement of the defacto complainant and his wife were obtained and they agreed with the averments in the affidavit. In annexure A2 and A3 affidavit, they have categorically stated that the matter has been settled out of court with the intervention of the family members and officials. They have also categorically stated that they have no objection in quashing the proceedings against the petitioner. In the result CrI.M.C. allowed and the entire proceedings pending against the petitioner in Crime No.57/2021 of Koppam Police Station, is hereby quashed. Hence, the CrI.M.C. allowed as above. Sd/- M.R.ANITHA JUDGE SMF
APPENDIX OF CRL.MC 3684/2021 PETITIONER'S ANNEXURE Annexure 1
CERTIFIED COPY OF THE FIR NO.57 OF 2021 DATED 06.03.2021 ON THE
FILES OF KOPPAM POLICE STATION. Annexure 2 AFFIDAVIT DATED
30.07.2021 EXECUTED BY THE DEFACTO COMPLAINANT WHO IS 2ND
RESPONDENT. Annexure 3 AFFIDAVIT DATED 30.07.2021 EXECUTED BY THE
WIFE OF THE DEFACTO COMPLAINANT WHO IS 3RD RESPONDENT. //TRUE

COPY// PA TO JUDGE

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