

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE MR.JUSTICE MOHAMMED NIAS C.P.
FRIDAY, THE 31ST DAY OF DECEMBER 2021 / 10TH POUSHA, 1943
CRL.MC NO. 5209 OF 2021
CRIME NO.258/2021 OF Hosdurg Police Station, Kasargod

PETITIONER/ACCUSED :-

RATHEESAN K.V.
AGED 38 YEARS
S/O. KANNAN, RESIDING AT NELLIKKAL,
CHERUVATHUR, HOSDURG, KASARAGOD DISTRICT

BY ADVS.
M.RAMESH CHANDER (SR.)
BALU TOM
BONNY BENNY

RESPONDENTS/COMPLAINANT/STATE :-

- 1 STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, KOCHI 682 031
- 2 PRIYANKA
AGED 31 YEARS
D/O. SURESHAN, RESIDING AT PUNCHAVI,
KANHANGAD VILLAGE, HOSDURG TALUK, P.O
OZHINJAVALAPPU 671 315 KASARAGOD DISTRICT.

BY ADV BEJOY JOSEPH P.J.
SRI.ARAVIND, PP

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
31.12.2021, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER

The petitioner is the accused in Crime No.258/2021 of Hosdurg Police Station, Kasargod District and the offences alleged against the petitioner are under Sections 498A, 323 and 406 of the Indian Penal Code.

2. The 2nd respondent is the wife of the petitioner. Their marriage was solemnized on 11.12.2020. The 2nd respondent filed a complaint before the Judicial First Class Magistrate-I, Hosdurg which was referred to the police for investigation, in which the petitioner, his mother and his brother and sister were named. The police filed a report deleting the names of all other accused.

3. Heard the learned counsel for the petitioner, the learned Public Prosecutor as well as the learned counsel for the second respondent.

4. It is submitted by respective counsel that the petitioner and

the second respondent have arrived at an amicable settlement and Annexure A3 is the affidavit filed. Annexure A4 is the agreement entered into between the petitioner and the second respondent. The affidavit, *inter alia*, states that all the disputes are settled and that the pendency of criminal proceeding would cause hardship to all the parties.

5. From the submission across the Bar and perusing the criminal M.C. and the affidavit referred above, I am satisfied that there has been an amicable settlement and that there is no vitiating circumstances in the respondent filing the affidavit. No purpose will be served by continuing the proceedings in the above circumstances.

6. In view of the judgment of the Hon'ble Supreme Court in ***Gian Singh v. State of Punjab and another [2012 (10) SCC 303]*** and considering the facts and circumstances of the case and in exercise of power of this Court under Section 482 of the Code of Criminal Procedure, I hereby quash Annexure A1 Final

Report and all further proceedings in Crime No.258 of 2021 of
Hosdurg Police Station against this petitioner.

The Crl.MC is allowed as above.

Sd/-

**MOHAMMED NIAS C.P.
JUDGE**

SMA

APPENDIX

PETITIONER ANNEXURES :-

Annexure A1 CERTIFIED COPY OF FIR IN CRIME NO. 258/2021 OF HOSDURG POLICE STATION, KASARAGODE DISTRICT DATED 19-03-2021

Annexure A2 CERTIFIED OF THE COMPLAINT FILED BY THE 2ND RESPONDENT BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE-1, HOSDURG DATED 18-03-2021

Annexure A3 ORIGINAL OF THE AFFIDAVIT SWORN TO BY THE THE 2ND RESPONDENT DATED 11-10-2021

Annexure A4 PHOTOCOPY OF THE AGREEMENT ENTERED BETWEEN THE PETITIONER AND THE 2ND RESPONDENT DATED 06-10-2021