

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT**

**THE HONOURABLE MR. JUSTICE GOPINATH P.**

**SATURDAY, THE 30<sup>TH</sup> DAY OF SEPTEMBER 2023 / 8TH ASWINA, 1945**

**CRL.MC NO. 5679 OF 2023**

**AGAINST THE ORDER/JUDGMENT CC 503/2019 OF JMFC, KAKKANAD**

**(TEMPORARY)**

**PETITIONERS/ACCUSED 1 AND 2:**

- 1 ASWINIKUMAR, AGED 40 YEARS  
S/O.LATE KUMARAN, KANAKA VILAS HOUSE,  
PONNAKUDAM ROAD, NEAR ETTUKETTU MANA, KANGARAPPADY,  
ERNAKULAM DISTRICT, PIN - 682021
- 2 ARUN KUMAR  
AGED 36 YEARS  
S/O.LATE KUMARAN, KANAKA VILAS HOUSE, PONNAKUDAM ROAD,  
NEAR ETTUKETTU MANA, KANGARAPPADY,  
ERNAKULAM DISTRICT, PIN - 682021  
BY ADVS.  
PRAMEELA.C.K.  
C.K.PREM RAJ

**RESPONDENT/COMPLAINANT:**

- 1 STATE OF KERALA  
S.H.O. THADIYITTAPARAMBU POLICE STATION - CRIME  
NO.80/19) REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH  
COURT OF KERALA, ERNAKULAM-682031., PIN - 682031
- 2 SOBHA  
W/O.SIVAN, PUNNEKADU HOUSE, PUNNEKADU AREA, VAZHAKULAM,  
THADIYITTAPARAMBU, ERNAKULAM DISTRICT., PIN - 683105

ADV. NOUSHAD KA , PP  
ADV. BABY NANDINI K.

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON  
30.09.2023, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**ORDER**

Petitioners are the accused in Crime No.80/2019 of Thadiyittaparambu Police Station, Ernakulam District, alleging commission of offences under Sections 294(b), 354B, 323 and 509 r/w. 34 of the Indian Penal Code. The matter is now pending as C.C. No.503/2019 before the Judicial First Class Magistrate Court, Kakkanad.

2. The learned counsel appearing for the petitioners would submit that the entire issues between the petitioners and the *de facto* complainant/2<sup>nd</sup> respondent have been settled. Learned counsel appearing for the petitioners also refers to Annexure-III affidavit executed by the *de facto* complainant/2<sup>nd</sup> respondent to establish that the entire issues between the petitioners and the *de facto* complainant/ 2<sup>nd</sup> respondent have been settled and the *de facto* complainant does not intend to continue with the proceedings against the petitioner.

3. The learned Public Prosecutor and the learned counsel appearing for *de facto* complainant/ 2<sup>nd</sup> respondent would confirm that the entire issues between the petitioners and 2<sup>nd</sup>

respondent have been settled and the 2<sup>nd</sup> respondent does not wish to continue with the prosecution in any manner.

4. Having heard the learned counsel for the petitioners, the learned Public Prosecutor and the learned counsel for respondent No.2 , I am of the view that this is fit case where the jurisdiction of this Court under Section 482 of Cr.P.C. can be invoked to quash the proceedings against the petitioners on the ground of settlement. No public interest will be served by continuing with the proceedings against the petitioners. It is unlikely that the State will be able to successfully prosecute the case against the petitioners . The nature of the offences does not compel me to hold that the proceedings cannot be quashed on the ground of settlement.

Accordingly, this Crl.M.C. is allowed and all further proceedings in C.C. No.503/2019 on the file the Judicial First Class Magistrate Court, Kakkanad (arising out of Crime No.80/2019 of Thadiyittaparambu Police Station, Ernakulam District), will stand quashed as against the petitioners.

**Sd/-**

**GOPINATH P., JUDGE**

**APPENDIX OF CRL.MC 5679/2023**

PETITIONER ANNEXURES

Annexure 1	CERTIFIED COPY OF THE COMPROMISE PETITION FILED BEFORE THE FAMILY COURT, MUVATTUPUZHA DATED 26.1.2023
Annexure II	CERTIFIED COPY OF THE FINAL REPORT IN CHARGE SHEET BEFORE JUDICIAL FIRST CLASS MAGISTRATE COURT, KAKKANAD AS 503/2019 DATED 18.2.2019
Annexure III	ORIGINAL AFFIDAVIT FILED BY THE 2ND RESPONDENT DATED 17.3.2023