

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE GOPINATH P.

SATURDAY, THE 30TH DAY OF SEPTEMBER 2023 / 8TH ASWINA, 1945

CRL.MC NO. 6172 OF 2023

AGAINST THE ORDER/JUDGMENT C.C 1044/2022 OF JUDICIAL FIRST

CLASS MAGISTRATE COURT, PAYYANNUR

PETITIONERS/ACCUSED 1 TO 3:

- 1 SADAM HUSSAIN
AGED 32 YEARS, S/O KHADER CHAKKA PANDA PURAYIL,
KALATHILE PURAYIL HOUSE, AMEENPALLI ROAD,
MANHARA VALAPP, HOUSE NO. XIII-428, MOTTAMBRAM,
MADAYI AMSOM, KANNUR DISTRICT, PIN - 670 304.
- 2 AMSA.K.P
AGED 55 YEARS, W/O KHADER, KALATHILE PURAYIL HOUSE,
AMEENPALLI ROAD, MANHARA VALAPP,
HOUSE NO. XIII-428, MOTTAMBRAM, MADAYI AMSOM,
KANNUR DISTRICT, KERALA, PIN - 670 304.
- 3 SAJIDHA C.P
AGED 35 YEARS, W/O NOUFAL, KALATHILE PURAYIL HOUSE,
AMEENPALLI ROAD, MANHARA VALAPP,
HOUSE NO. XIII-428, MOTTAMBRAM, MADAYI AMSOM,
KANNUR DISTRICT, KERALA, PIN - 670 304.

BY ADV

T.V.JAYAKUMAR NAMBOODIRI

RESPONDENTS/STATE OF KERALA/DE FACTO COMPLAINANT:

- 1 STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, PIN - 682 031.
- 2 FATHIMATHU NIHALA
AGED 22 YEARS, D/O NOUSHAD, KURUVATTU PURAYIL,
PUTHIYANGADI, NEAR CHOOTTAD PARK, MADAYI P.O,
KANNUR DISTRICT, PIN - 670 304.

BY ADVS

P.SHEENA RAJAN(FOR R2)

VIPIN NARTAYAN-PUBLIC PROSECUTOR

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

ORDER

Dated this the 30th day of September, 2023

Petitioners are accused Nos.1 to 3 in Crime No.344/2022 of Pazhayangadi Police Station, Kannur District, which is now pending as C.C. No.1044/2022 on the file of the Judicial First Class Magistrate Court, Payyanur, alleging commission of offence punishable under Section 498A of the Indian Penal Code.

2. Learned counsel appearing for the petitioners would submit that the entire issues between the petitioners and the 2nd respondent (the *de facto* complainant) have been settled. Learned counsel appearing for the petitioners also refers to Annexure-A3 affidavit executed by the 2nd respondent to establish that the entire issues between the petitioners and the 2nd respondent have been settled and the 2nd respondent does not intend to continue with the proceedings against the petitioners.

3. Learned Public Prosecutor and the learned counsel appearing for the 2nd respondent affirms that the entire

disputes between the petitioners and the 2nd respondent have been settled and that the 2nd respondent does not wish to continue with the proceedings against the petitioners.

4. Having heard the learned counsel appearing for the petitioners, learned Public Prosecutor and the learned counsel appearing for the 2nd respondent, I am of the view that this Crl.M.C. can be allowed on the ground of settlement. There is no public interest involved in continuing the proceedings against the petitioners. Therefore, in exercise of the jurisdiction vested in this Court under Section 482 of the Code of Criminal Procedure, further proceedings against the petitioners can be quashed on the ground of settlement.

Accordingly, the Crl.M.C is allowed and all further proceedings in C.C No.1044/2022 on the file of the Judicial First Class Magistrate Court, Payyanur (Crime No.344/2022 of Pazhayangadi Police Station) will stand quashed as against the petitioners.

Sd/-
GOPINATH P.
JUDGE

Crl.M.C. No.6172 of 2023

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APPENDIX OF CRL.MC 6172/2023

PETITIONERS' ANNEXURES

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| Annexure 1 | THE CERTIFIED COPY OF THE FINAL REPORT
IN CRIME NUMBER 344/2022 OF
PAZHAYANGADI POLICE STATION. |
| Annexure -A-2 | TRUE COPY OF THE MUBARATH AGREEMENT
DATED 14.06.2023 EXECUTED BETWEEN 1ST
PETITIONER AND 2ND RESPONDENT. |
| Annexure -A-3 | COPY OF THE AFFIDAVIT DATED 21.06.2023
SIGNED BY 2ND RESPONDENT. |