

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE A. BADHARUDEEN

WEDNESDAY, THE 20TH DAY OF NOVEMBER 2024 / 29TH KARTHIKA, 1946

CRL.MC NO. 8337 OF 2024

CRIME NO.209/2023 OF MUHAMMA POLICE STATION, ALAPPUZHA

AGAINST THE ORDER/JUDGMENT DATED IN CC NO.607 OF 2023 OF

JUDICIAL MAGISTRATE OF FIRST CLASS -II, CHERTHALA

PETITIONER:

SUNIL
AGED 50 YEARS
S/O SREENIVASAN, VATTACHIRAYIL HOUSE MUHAMMA.P.O.,
ALAPPUZHA DISTRICT, PIN - 688525

BY ADVS.
RAAJESH S.SUBRAHMANIAN
V.R.RAJESH

RESPONDENTS:

- 1 STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR HIGH COURT OF
KERALA, KOCHI, ERNAKULAM (CRIME NO. 209/2023 OF MUHAMMA
POLICE STATION, ALAPPUZHA DISTRICT), PIN - 682031
- 2 DEEPA
AGED 44 YEARS
W/O SUNILKIZHAKKEMULLAYIL HOUSE AMBIKA MARKET.P.O.,
VECHOR, VAIKOM, KOTTAYAM DISTRICT, PIN - 686144
- 3 GOPINATHAN NAIR (SOUGHT TO BE IMPLEADED)
S/O KESAVA KAIMAL KIZHAKKEMULLAYIL HOUSE AMBIKA
MARKET.P.O., VECHOR, VAIKOM, KOTTAYAM DISTRICT
(SOUGHT TO BE IMPLEADED)
- 4 VISHNU.P.J. (SOUGHT TO BE IMPLEADED)
S/O PRESENAN JAYARAM NIVAS AMBIKA MARKET.P.O., VECHOR,
VAIKOM, KOTTAYAM DISTRICT (SOUGHT TO BE IMPLEADED)



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BY ADV B.RETHEESH

OTHER PRESENT:

PP M P PRASANTH

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 19.11.2024, THE COURT ON 20.11.2024, THE SAME DAY PASSED
THE FOLLOWING:**



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A. BADHARUDEEN, J.

Crl.M.C. No. 8337 of 2024

Dated this the 20th day of November, 2024

O R D E R

This Criminal Miscellaneous Case has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to quash all further proceedings pursuant to Annexure-1 Final Report in Crime No.209/2023 of Muhamma Police Station, now pending as C.C. No.607/2022 on the files of the Judicial Magistrate of First Class-II, Cherthala, Alappuzha. Petitioner herein is the accused in the above case.

2. Heard the learned counsel for the petitioner, the learned counsel appearing for the defacto complainant and the learned Public Prosecutor.

3. In this matter, offences punishable under Sections 294 (b), 323, 498A of the Indian Penal Code



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are alleged to have been committed by the accused and the defacto complainant is none other than the wife of the sole accused.

4. An affidavit sworn by the defacto complainant has been placed stating that the matter has been settled in between them and she has no grievance in the matter of quashing the proceedings.

5. The learned Public Prosecutor also submitted that the matter has been settled between the parties and statement of the defacto complainant to that effect has been recorded.

6. Since the matter has been settled, there is no reason to disallow the prayer for quashment, so as to facilitate peaceful living of the married couple. Therefore, in the interest of justice, I am inclined to allow this petition.

In the result, this petition stands allowed.
Annexure-1 Final Report in Crime No.209/2023 of



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Muhamma Police Station, now pending as C.C. No.607/2022 on the files of the Judicial Magistrate of First Class-II, Cherthala, Alappuzha and the proceedings thereof as against the petitioner/accused stand quashed.

Sd/-
A. BADHARUDEEN
JUDGE

vnk/-



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APPENDIX OF CRL.MC 8337/2024

PETITIONER ANNEXURES

- ANNEXURE 1 A. TRUE COPY OF THE FINAL REPORT DATED:
19/07/2023 IN CRIME NO. 209/2023 OF
MUHAMMA POLICE STATION, ALAPPUZHA
DISTRICT**
- ANNEXURE 2 NOTORIZED AFFIDAVIT DATED: 23/09/2024
SWORN BY THE 2ND RESPONDENT**
- ANNEXURE 3 NOTARIZED COPY OF THE AFFIDAVIT DATED:
19.10.2024 OF THE ADDITIONAL 3RD
RESPONDENT**
- ANNEXURE 4 NOTARIZED COPY OF THE AFFIDAVIT DATED:
19.10.2024 OF THE ADDITIONAL 4TH
RESPONDENT**