

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE A. BADHARUDEEN

FRIDAY, THE 25TH DAY OF OCTOBER 2024 / 3RD KARTHIKA,

1946

CRL.MC NO. 5187 OF 2024

CRIME NO.391/2024 OF PANTHEERANKAVU POLICE STATION,

Kozhikode

PETITIONERS/ACCUSE 1 TO 4:

- 1 RAHUL P.GOPAL
S/O GOPALAKRISHNAN, SNEHATHEERAM,
PANNIYURKULAM, PANTHEERANKAVU, KOZHIKODE, PIN
- 673019.
- 2 KARTHIKA, AGED 32 YEARS
W/O ANOOP M., MAKKADA, THIRUVANGOOR,
CHEMANCHERI, KOZHIKODE, PIN - 673304.
- 3 USHA, AGED 53 YEARS
W/O GOPALAKRISHNAN, SNEHATHEERAM,
PANNIYURKULAM, PANTHEERANKAVU, KOZHIKODE, PIN
- 673019.
- 4 RAJESH P., AGED 32 YEARS
S/O RAMESHAN, KALLIYANI NILAYAM, VADAKKEDATH
THAZHAM, POKKUNNU, MANKAVU P.O, KOZHIKODE,
PIN - 673007.

BY ADV JOSEPH ANTONY C

RESPONDENTS/STATE & DEFACTO COMPLAINANT:

- 1 STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM,
PIN - 682031.



2024:KER:79600

Cr1.M.C.No.5187/2024

2

2 STATION HOUSE OFFICER
PANTHEERANKAVU POLICE STATION,
KOZHIKODE, PIN - 673109.

3 NEEMA HARIDAS, AGED 26 YEARS
D/O HARIDAS, NOCHITHARA,
NORTH PARAVOOR, MALIYENKARA,
ERNAKULAM, PIN - 683516.

BY ADVS.

ADVOCATE GENERAL OFFICE KERALA

VISHNU B.KURUP

SHRI.P.NARAYANAN, SPL. G.P. TO DGP AND ADDL. P.P.

SHRI.SAJJU.S., SENIOR G.P.()

DIRECTOR GENERAL OF PROSECUTION(AG-10)

PUBLIC PROSECUTOR SRI M P PRASANTH

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON
03.10.2024, THE COURT ON 25.10.2024 PASSED THE FOLLOWING:



A. BADHARUDEEN, J.

=====
Crl.M.C.No.5187 of 2024-G
=====

Dated this the 25th day of October, 2024

ORDER

This Criminal Miscellaneous Case has been filed under Section 482 of the Code of Criminal Procedure, by accused 1 to 4 in Crime No.391/2024 of Pantheerankavu Police Station, Kozhikode, to quash FIR in the above crime.

2. Heard the learned counsel for the petitioner, the learned Public Prosecutor as well as the learned counsel appearing for the 3rd respondent, in detail. Perused the relevant documents, including FIR.

3. Precisely the allegation of the prosecution herein is that accused 1 to 4 committed offences punishable under Sections 324, 498A, 307 & 212 of the Indian Penal Code, 1860 ('IPC' for short). The specific allegation of the prosecution is that the 1st accused married the defacto complainant on 05.05.2024 and started to reside along with the defacto



complainant at the matrimonial home. The further allegation is that while staying so, at about 1 hour on 12.05.2024, the 1st accused beat on the face, head and other parts of the body by using his hands. It is specifically alleged that he tied a cable to the neck of the defacto complainant while attempting to commit murder of the defacto complainant. Allegation against the other accused, who are the sister, mother and friend of the 1st accused, is that they also assisted the accused in committing the crime.

4. Now the petitioners want quashment of the proceedings on the submission that the matter has been settled between the 1st petitioner and the defacto complainant and they started to reside together as husband and wife.

5. As on 14.08.2024, this Court considered the said plea.

6. As on 14.08.2024 and thereafter the learned Public Prosecutor submitted that he would not stand in the way of reunion of the parties, but he pointed out that the offences alleged to be committed by the accused persons are very serious, including the one punishable under Section 307 of the IPC. He has given emphasis to paragraphs 10 and 12 of the statement filed by the Commissioner of Police in this regard to



appraise his contentions.

7. On 14.08.2024, this Court passed an interim order as under:

“3. Going by the allegations, the allegations are serious, but the same shall not be a rider for the husband and wife when they decided to live together. Since there is an allegation by the prosecution that the defacto complainant supported settlement under pressure from the 1st petitioner, I am inclined to refer the parties for counselling through KeLSA today itself, to consider their reunion. Therefore, the parties are directed to appear before KeLSA today itself. The Member Secretary, KeLSA, is directed to have counselling of both parties by a competent Counsellor at the earliest within 7 days and file the report in a sealed cover for the perusal of the Court, on 21.08.2024.”

8. Now the report of the Counsellor has been placed before this Court in a sealed cover. The same would show that the petitioner and the defacto complainant said that they had only quarrels that could happen in the life of any husband and wife and both requested withdrawal of the case. Though the counselor advised to have counseling to the parents of the spouses that suggestion is found to be unnecessary in the facts of this case. The detailed objection submitted by the Assistant Commissioner of Police in this case, the history and genesis of the case as well as the



matters interwoven therein are meticulously stated. However, since the defacto complainant conceded settlement in this matter arose out of matrimonial dispute, there is no justification for this Court to stand in the way for keeping them in rivalry under the veil of litigation. In view of the matter, I am inclined to allow the prayer sought for.

Accordingly, the Crl.M.C stands allowed. Annexure-A1 FIR in C.rime No.391/2024 of Pantheerankavu Police Station, Kozhikode District, against the petitioner, stands quashed.

Sd/-

A. BADHARUDEEN, JUDGE

rtr/



2024:KER:79600

Crl.M.C.No.5187/2024

7

APPENDIX OF CRL.MC 5187/2024

PETITIONER' S ANNEXURES

- Annexure A1** **A CERTIFIED COPY OF FIRST INFORMATION REPORT (FIR) IN CRIME NO.391/2024 OF PANTHEERANKAVU POLICE STATION, KOZHIKODE DISTRICT DATED 12.05.2024.**
- Annexure A2** **A CERTIFIED COPY OF THE STATEMENT GIVEN BY THE 3RD RESPONDENT/DEFACTO COMPLAINANT DATED 12.05.2024.**
- Annexure A3** **THE NOTARISED AFFIDAVIT FURNISHED BY THE 3RD RESPONDENT/DEFACTO COMPLAINANT DATED 30.05.2024.**