

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE ZIYAD RAHMAN A.A.

THURSDAY, THE 15TH DAY OF DECEMBER 2022/24TH AGRAHAYANA, 1944

CRL.MC NO. 8136 OF 2022

AGAINST THE ORDER/JUDGMENTCC 758/2022 OF JUDICIAL

MAGISTRATE OF FIRST CLASS -I, KOCHI

PETITIONER/S:

- 1 ARUN KUMAR
AGED 42 YEARS
MULLAPARAMBU, NEAR SASTHA TEMPLE, EDAKOCHI P O,
PIN - 682010
- 2 DHANYA
AGED 39 YEARS
MULLAPARAMBU, NEAR SASTHA TEMPLE, EDAKOCHI P O,
PIN - 682010
BY ADVS.
RATHEESH P.R.
Bineesh K C

RESPONDENT/S:

- 1 SATE OF KERALA REP. THROUGH PUBLIC PROSECUTOR
HIGH COURT OF KERALA
PUBLIC PROSECUTOR HIGH COURT OF KERALA,
ERNAKULAM, PIN - 682031
- 2 ANANDAN
AGED 73 YEARS
MULLAPARAMBU, NEAR SASTHA TEMPLE, EDAKOCHI P O,
PIN - 682010
BY ADVS.
SANIL KUMAR
K.B.RAJESH (K/2462/1999)
ADV M P PRASHANTH - PP

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 15.12.2022, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

ORDER

Dated this the 15th day of December, 2022

The petitioners are accused Nos.1 and 2 in crime No.2094/2021 of Palluruthy Kasba Police Station, which is now pending as C.C. No.758/2022 before the Judicial First Class Magistrate's Court-I, Kochi. The offence alleged against the petitioners are under Sections 24 of Maintenance and welfare of Parents and Senior Citizens Act.

2. Annexure-1 is the F.I.R. and final report submitted by the Police. This Crl.M.C. is filed for quashing all further proceedings pursuant to Annexure-A1 final report. The 2nd respondent is the defacto complainant.

3. Heard Sri. Ratheesh P.R., the learned counsel appearing for the petitioners, Sri. M.P. Prasanth, the learned Public Prosecutor for the State and Sri. K.B. Rajesh, the learned counsel appearing for the 2nd respondent.

4. The prayer for quashing the proceedings is sought mainly on the ground that the dispute between the parties has been settled. Annexure-3 affidavit sworn by the 2nd respondent is filed along with this CrI.M.C. to substantiate the settlement. In the said affidavit, the 2nd respondent had specifically acknowledged the aforesaid settlement and also conveyed the no-objection to quash the proceedings against the petitioners herein. The learned counsel appearing for the 2nd respondent also confirms the same. The learned Public Prosecutor, upon instructions, submitted that the Station House Officer concerned has verified the veracity of the same and found it to be genuine.

5. The allegations would reveal that the dispute is purely private in nature. In such circumstances, by applying the principles laid down by the Honourable Supreme Court in **Gian Singh v. State of Punjab and Another [(2012) 10 SCC 303]**, proceedings can be quashed by invoking the powers of this Court under Section 482 Cr.P.C. This is particularly because, on account of the settlement, no fruitful purpose would be served by allowing the prosecution to continue.

In the result, this Crl.M.C. is allowed and Annexure-1 final report submitted in crime No.2094/2021 of Palluruthy Kasba Police Station and all further proceedings in C.C. No.758/2022 on the files of the Judicial First Class Magistrate's Court-I, Kochi, against the petitioners are hereby quashed.

**Sd/-
ZIYAD RAHMAN A.A.
JUDGE**

ncd

APPENDIX OF CRL.MC 8136/2022

PETITIONER ANNEXURES

Annexure1	CERTIFIED COPY OF FIR AND FINAL REPORT
Annexure2	COMPROMISE PETITION FILED BY THE PETITIONERS 1&2 (ACCUSED 1&2) AND 2ND RESPONDENT
Annexure3	AFFIDAVIT FILED BY THE 2ND RESPONDENT