

(2025) 01 KL CK 1717

In the High Court Of Kerala

Case No : Criminal Miscellaneous Petition No. 9488 Of 2024

Athira S Shaju

APPELLANT

Vs

State Of Kerala

RESPONDENT

Date of Decision : 06-01-2025

Acts Referred:

Bharatiya Nagarik Suraksha Sanhita, 2023 — Section 528

Indian Penal Code, 1860 — Section 323, 324

Juvenile Justice (Care and Protection of Children) Act, 2015 — Section 75

Citation : (2025) 01 KL CK 1717

Hon'ble Judges : A. Badharudeen, J

Bench : Single Bench

Advocate : Babin T. Anthikkad, Renjit George, Vanesha Viswambaran

Final Decision : Allowed

Judgement

A. Badharudeen, J

1. This Criminal Miscellaneous Case has been filed under Section 528 of the Bhartiya Nagarik Suraksha Sanhita, 2023 to quash Annexure-A2 Final Report and all further proceedings in C.C.No.95/2023 on the files of the Judicial First Class Magistrate Court, Kunnamkulam arose out of Crime No.1446 of 2022 of Kunnamkulam Police Station, Thrissur. The petitioner herein is the accused in the above case.

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

3. In this matter, offences punishable under Sections 323 and 324 of the Indian Penal Code, 1860 and under Section 75 of the Juvenile Justice (Care and Protection of Children) Act, 2015 (for short 'the JJ Act') are alleged to have been committed by the accused.

4. It is submitted that the matter has been amicably settled and the father of the 3rd respondent/de facto complainant (minor) filed affidavit on behalf of the child

in this regard. He stated in the affidavit that he has no intention to proceed further in this matter.

5. The learned Public Prosecutor submitted that the matter has been settled between the parties and statement of the father of the de facto complainant on behalf of the daughter to that effect has been recorded. In this case though commission of offence under Section 75 of the JJ Act also is alleged, now the minor is being looked after by the petitioner, keeping her welfare as the paramount consideration. Therefore, disallowing quashment would be detrimental to the interest of the minor injured. In view of the matter, quashment can be considered.

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

In the result, this Criminal Miscellaneous Case stands allowed. Annexure-A2 Final Report and all further proceedings in C.C.No.95/2023 on the files of the Judicial First Class Magistrate Court, Kunnamkulam arose out of Crime No.1446/2022 of Kunnamkulam Police Station, Thrissur against the petitioner/accused stand quashed.