

## Sabu D David Vs State Of Kerala

**Court:** High Court Of Kerala

**Date of Decision:** Jan. 8, 2025

**Acts Referred:** Bharatiya Nagarik Suraksha Sanhita, 2023 " Section 528  
Indian Penal Code, 1860 " Section 34, 498A

**Hon'ble Judges:** A. Badharudeen, J

**Bench:** Single Bench

**Advocate:** U.Jayakrishnan, Aeble Benny, Sruthy Xavier, M.B.Shyni, V.R.Anilkumar

**Final Decision:** Allowed

### Judgement

A. Badharudeen, J

1. This Criminal Miscellaneous Case has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to quash Annexure.A1 FIR

and Annexure.A2 Final Report in Crime No.1831/2021 of Adoor Police Station, Pathanamthitta, now pending as C.C. No.2921/2021 on the files of the

Judicial First Class Magistrate Court, Adoor. The petitioners herein are accused in the above case.

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

3. In this matter, offence punishable under Section 498(A) read with 34 of Indian Penal Code is alleged to have been committed by the accused and

the defacto complainant is none other than the wife of the 1st accused.

4. An affidavit sworn by the defacto complainant has been placed stating that the matter has been settled in between the parties 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.A1 FIR and Annexure.A2 Final Report in Crime No.1831/2021 of Adoor Police Station,

Pathanamthitta, now pending as C.C. No.2921/2021 on the files of the Judicial First Class Magistrate Court, Adoor and the proceedings thereof, as

against the petitioners/accused, stand quashed.