



2025:KER:19773

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE C. JAYACHANDRAN

THURSDAY, THE 6TH DAY OF MARCH 2025 / 15TH PHALGUNA, 1946

CRL.MC NO. 9851 OF 2024

CRIME NO.1920/2023 OF Palarivattom Police Station, Ernakulam

AGAINST CP NO.26 OF 2024 OF JUDICIAL MAGISTRATE OF FIRST
CLASS - IX, ERNAKULAM

PETITIONER/ACCUSED:

AASHIQ SUNIL
AGED 29 YEARS
S/O SUNIL MUHAMMED, VALLIYA PARAMBI, THANNEERMUKKAM
THEKKU PANCHAYATH, MUHAMMA, ALAPPUZHA NOW RESIDING AT
NAYANAR JUNCTION, HOUSE NO. 40/41, CHALIKKAVATTOM,
VENNALA, ERNAKULAM., PIN - 682028

BY ADVS.
SARUN RAJAN
R.ANAS MUHAMMED SHAMNAD

RESPONDENTS/STATE AND DEFACTO COMPLAINANT:

- 1 STATE OF KERALA
REPRESENTED THROUGH PUBLIC PROSECUTOR, HIGH COURT OF
KERALA, ERNAKULAM., PIN - 682031
- 2 THE STATION HOUSE OFFICER
PALARIVATTOM POLICE STATION, PALARIVATTOM JUNCTION,
ERNAKULAM., PIN - 682025
- 3 SANJANA SUNIL
AGED 54 YEARS
W/O SUNIL MUHAMMED, VALLIYA PARAMBI, NAYANAR JUNCTION,
HOUSE NO. 40/41, CHALIKKAVATTOM, VENNALA., PIN - 682028

Crl.M.C.No. 9851 of 2024

.2.



2025:KER:19773

BY ADV.ARCHANA HARIDAS K. - FOR R3

OTHER PRESENT:

SRI. C.N.PRABHAKARAN - SENIOR PUBLIC PROSECUTOR

THIS CRIMINAL MISC. CASE HAVING COME UP FOR
ADMISSION ON 06.03.2025, THE COURT ON THE SAME DAY PASSED
THE FOLLOWING:



O R D E R

Dated this the 6th day of March, 2025

The petitioner herein is the sole accused in Crime No.1920/2023, which is now pending before the Judicial First Class Magistrate Court-IX, Ernakulam, as C.P.No.26/2024. The petitioner seeks quashment of the above crime and all further proceedings therefrom on the strength of a settlement claimed to have been arrived at by and between the petitioner and defacto complainant/3rd respondent.

2. As per the directions of this Court, the statement of the defacto complainant was recorded. The statement would indicate that the issues have been settled between the 3rd respondent and the petitioner, and that the 3rd respondent is not inclined to proceed with the matter any more.

3. When this matter was taken up for hearing, learned Public Prosecutor would submit that the petitioner has bad



criminal antecedents; he is involved in two other crimes, namely Crime No.1053/2024 of Palarivattom Police Station (with respect to offence under Section 118(a) of the Kerala Police Act) and Crime No.1145/2024 of the same Police Station (for offences under Sections 115(2), 118(1), 333, 74, 324(1), 351(3), 35 and 296(b) of the Bharathiya Nyaya Sanhita, 2023. It was also submitted that the petitioner is included in the rowdy history sheet of the said Police Station.

4. This Court notice that the 3rd respondent/defacto complainant is none other than the mother of the petitioner and that the offences involved in the instant case are under Sections 354 and 308 of the Penal Code. As regards the offence under Section 308, the allegation is to the effect that the petitioner caught hold of the neck of the defacto complainant and caused suffocation. Further allegations are to the effect that, the defacto complainant was pushed down and that she was kicked on her lower abdomen. When the defacto complainant attempted to



get up from the cot, he caught hold of her neck and suffocated her for sometime.

5. Due to the antecedents and also for the reason that the crime has allegedly been against none other than the petitioner's mother, this Court is not inclined to invoke its inherent powers under Section 482 of the Cr.P.C. to abort the proceedings by quashing the crime and all further proceedings therefrom. It is true that there has been a settlement, as disclosed from the statement recorded of the defacto complainant. However, in serious offences like the one under Section 308, it is not obligatory on the part of the Court to quash all further proceedings, only taking stock of the settlement between the parties. Nor does the petitioner have any vested right in this regard. This Court also takes into account the fact that two other cases are registered against the petitioner, and he is included in the rowdy history sheet of the Palarivattom Police Station.



All the above facts will persuade this Court not to exercise the inherent powers in favour of the petitioner. In the result, this Criminal Miscellaneous Case will stand dismissed.

Sd/-

C. JAYACHANDRAN
JUDGE

TR



APPENDIX OF CRL.MC 9851/2024

PETITIONER ANNEXURES

- | | |
|-------------|---|
| Annexure A1 | THE CERTIFIED COPY OF THE F.I.R NO.
1920/2023 DATED 21.08.2023 OF
PALARIVATTOM POLICE STATION, ERNAKULAM
ALONG WITH F.I.S. |
| Annexure A2 | THE CERTIFIED COPY OF THE CHARGE SHEET
FILED IN CRIME NO. 1920/2023 OF
PALARIVATTOM POLICE STATION,
ERNAKULAM. |
| Annexure A3 | ORIGINAL OF THE AFFIDAVIT DATED
24.10.2024 SWORN BY THE 3 RD
RESPONDENT. |