

Rajesh Vs. Lathi

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Court : Kerala

Decided On : Jan-03-2013

Judge : Honourable Mr.Justice T.R.Ramachandran Nair

Appellant : Rajesh

Respondent : Lathi

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE T.R.RAMACHANDRAN NAIR THURSDAY, THE 3RD DAY OF JANUARY 2013 13TH POUSHA 193 CrI.MC.No. 3864 of 2012 () ----- CC.925/2009 of JUDICIAL FIRST CLASS MAGISTRATE COURT-I, KOLLAM PETITIONERS/ACCUSED 1 -3 : ----- 1. RAJESH S/O. VISWANATHA PANICKER, SREE VISWAM VEEDU NADUVILA CHERRY, VETTIYAN VILLAGE, MAVELIKKARA ALAPPUZHA DISTRICT NOW RESIDING AT SREE BHAVANAM NEAR VELLIMON HIGH SCHOOL, CHERUMOODU CHERRY PERINAD VILLAGE, KOLLAM DISTRICT.

2. VISWANATHA PANICKER, SREE VISWAM VEEDU, NADUVILA CHERRY, VETTIYAN VILLAGE MAVELIKKARA, ALAPPUZHA DISTRICT.

3. MANIYAMMA SREE VISWAM VEEDU, NADUVILA CHERRY, VETTIYAN VILLAGE MAVELIKARA ALAPPUZHA DISTRICT. BY ADVS.SRI.K.SIJU

SMT.CHITHRA.S.BABU RESPONDENTS/COMPLAINANT AND STATE :
----- 1. LATHI D/O. THANKAMANI,
AGED 3 YEARS, SREE BHAVANAM NEAR VELLIMON HIGH SCHOOL,
CHERUMODDU CHERRY PERINAD VILLAGE, KOLLAM DISTRICT - 691309 2.
STATE OF KERALA REPRESENTED BY SUB INSPECTOR OF POLICE
KUNDARA POLICE STATION THROUGH THE PUBLIC PROSECUTOR HIGH
COURT OF KERALA, ERNAKULAM - 682031. R1 BY ADV. SRI.A.MUHAMMED
RAFFI R2 BY PUBLIC PROSECUTOR SMT. V.H. JASMINE THIS CRIMINAL
MISC. CASE HAVING COME UP FOR ADMISSION ON 03-01-2013, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING: BP CrI.MC.No. 3864
of 2012 () APPENDIX PETITIONER'S ANNEXURES : ANNX.A: COPY OF FIR
WITH FIS IN CRIME NO. 176/2009 OF KUNDARA POLICE STATION. ANNX.B:
COPY OF FINAL REPORT SUBMITTED IN CRIME NO. 176/2009 OF KUNDARA
POLICE STATION. RESPONDENT'S ANNEXURES : NIL. //TRUE COPY// P.A.
TO JUDGE BP T.R. RAMACHANDRAN NAIR, J.

----- CrI. M.C. No.3864 OF
201.----- Dated this the 3rd day of January, 2013.

ORDER

The prayer made in this CrI.M.C is to quash the First Information Report and the Final Report in Crime No.176/2009 of Kundara Police Station and the proceedings in C.C.No.925/2009 on the file of the Judicial First Class Magistrate Court-I, Kollam. The offences alleged are under Sections 498A and 34 of Indian Penal Code.

2. The 1st petitioner is the husband of the 1st respondent herein who is also appearing through counsel. Annexure 1 is a copy of the First Information Report and First Information Statement in Crime No.176/2009 of Kundara Police Station. Annexure 2 is a copy of the Final Report submitted before the court below.

3. The details pleaded in the CrI.M.C show that the marriage was on 15.04.2001. The complaint was that the de facto complainant was deserted along with her seven year old CrI.M.C.No.3864/2012 2 daughter by the 1st petitioner. It is stated in paragraph 4 that all the existing matrimonial disputes between the parties have

been settled amicably and they are living together in the house of the 1st respondent in Perinadu Village in Kollam District.

4. In the light of the settlement between the parties, I am of the view that this is a fit case wherein the jurisdiction of this Court under Section 482 Cr.P.C can be exercised in the light of the decision of the Apex Court in Gian Singh vs. State of Punjab (2012 (4) KLT 10.(SC)). The criminal case was evidently filed because of the matrimonial dispute between the parties and in the light of the settlement and also in the light of the subsequent development that they have joined together to lead a normal life, nothing prevents this Court from exercising the jurisdiction under Section 482 Cr.P.C. The Crl.M.C. is allowed and the proceedings in C.C.No.925/2009 on the file of the Judicial First Class Magistrate Court-I, Kollam will stand quashed. T.R. RAMACHANDRAN NAIR JUDGE smp

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