

Sukesh Vs. State of Kerala

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Court : Kerala

Decided On : Dec-31-2012

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

Appellant : Sukesh

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE T.R.RAMACHANDRAN NAIR MONDAY, THE 31ST DAY OF DECEMBER 2012 10TH POUSHA 193 CrI.MC.No. 2842 of 2012 () ----- (CRIME NO. 80/2012 OF CHITTOOR POLICE STATION) PETITIONER/IST ACCUSED: ----- SUKESH, AGED 3 YEARS S/O.GOPALAKRISHNAN, MANNOOR HOUSE, DURGAKOSHTAM KANNIYARPADAM, CHITTOOR, PALAKKAD BY ADV. SRI.T.V.GEORGE COMPLAINANT(S): ----- 1.STATE OF KERALA REP.BY THE PUBLIC PROSECUTOR HIGH COURT OF KERALA ERNAKULAM 2 SANGEETHA, W/O. SUKESH, AGED 2 YEARS, ASHIRVAD, A.E.M. NAGAR, KADAMPIDY, CHITTOOR, PALAKKAD. R2 BY ADV. SRI.C.K.SREEJITH R1 BY PUBLIC PROSECUTOR SMT. V.H. JASMINE THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 31-12-2012, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: CrI.MC.No. 2842 of 2012 () APPENDIX PETITIONER(S) EXHIBITS ANNEXURE A1 TRUE COPY OF RECORDED STATEMENT/F.I STATEMENT DTD 29/01/2012 GIVEN BY THE 2ND

RESPONDENT BEFORE THE SUB INSPECTOR OF POLICE CHITTOOR
ANNEXURE AII TRUE COPY OF FIR IN CRIME NO 80/2012 U/S. 498 A AND
32.IPC OF CHITTOOR POLICE STATION ANNEXURE AIII TRUE COPY OF
DIVORCE PETITION JOINTLY FILED BEFORE THE FAMILY COURT U/S 13(B)
OF HINDU MARRIAGE ACT AS M.O.P NO 460/12 RESPONDENTS' EXHIBITS :
NIL //TRUE COPY// P.A. TO JUDGE. dlk T.R.RAMACHANDRAN NAIR, J.

----- CRL.M.C.No.2842 Of 2012
----- DATED THIS THE 31st DAY OF
DECEMBER, 2012 ORDER The petitioner is arrayed as first accused in Crime
No.80/2012 in a case involving offences under Section 498A and Section 34 of
IPC. Second accused is the father of the petitioner. It is submitted by the learned
counsel for the petitioner that after several round of negotiations in the matter, the
parties have arrived at a settlement and have finally decided to part with and to
live separately and to withdraw all cases filed by them.

2. Annexure A-III is the copy of the petition filed under Section 13B of the Hindu
Marriage Act before the Family Court, Palakkad.

3. Heard the learned counsel appearing for the 2nd respondent, who is the
petitioner before the Family Court. Heard the learned Public Prosecutor also.

4. Paragraph No.7 of Annexure A-III shows that as a condition for settlement, they
have agreed to withdraw from raising contentions in various matters pending
before the courts CRL.M.C.No.2842/12 -2- concerned including the criminal case
alleging offence under Section 498A.

5. In the light of the fact that both parties have settled their disputes by filing a joint
petition under Section 13B, the prayer to quash the complaint is justifiable.

6. The Apex Court has taken the view in various cases that once private disputes,
especially, disputes concerning marriage have been settled, there is no purpose in
proceeding with the criminal case which has originated during the period when the
parties were having serious differences in the matter. I am satisfied that the
proceedings can be quashed in the light of the settlement between the parties.

Accordingly Crl.M.C. is allowed. Annexure A-II FIR in Crime No.80/12 pending before the Judicial First Class Magistrate Court, Chittoor will stand quashed. Sd/-
(T.R.RAMACHANDRAN NAIR) JUDGE. dsn

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