

Anil Kumar Vs. Radha

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Court : Kerala

Decided On : Jan-31-2013

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

Appellant : Anil Kumar

Respondent : Radha

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE T.R.RAMACHANDRAN NAIR THURSDAY, THE 31ST DAY OF JANUARY 2013 11TH MAGHA 193 CrI.MC.No. 3479 of 2012 () ----- CC.102/2008 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-I, PATHANAMTHITTA. PETITIONERS/ACCUSED NOS. 1 TO 3.----- 1. ANIL KUMAR, AGED 3 YEARS, S/O. BHANU, AIAANDHIKKAROTTU HOUSE, PATTAMTHARA, ELANTHOOR EAST, ELANTHOOR VILLAGE, KOZHENCHERRY TALUK, PATHANAMTHITTA DISTRICT.

2. BHANU, AGED 6 YEARS, AIAANDHIKKAROTTU HOUSE, PATTAMTHARA, ELANTHOOR EAST, ELANTHOOR VILLAGE, KOZHENCHERRY TALUK, PATHANAMTHITTA DISTRICT.

3. RAJAMMA, AGED 5 YEARS, W/O. BHANU, AIAANDHIKKAROTTU HOUSE, PATTAMTHARA, ELANTHOOR EAST, ELANTHOOR VILLAGE,

KOZHENCHERRY TALUK, PATHANAMTHITTA DISTRICT. BY ADVS. SRI.M.T.SURESHKUMAR, SRI.V.V.RAJA. RESPONDENTS/STATE AND DEFACTO COMPLAINANT:

----- 1. RADHA, AGED 2 YEARS, D/O. GOPALAN, AMAPPARACKAL HOUSE, KADAMMANITTA, NARANGANAM VILLAGE, KOZHENCHERRY TALUK, PATHAHAMTHITTA DISTRICT

645.

2. STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM-682 031. R1 BY ADV. SRI.S.R.SREEJITH R2 BY PUBLIC PROSECUTOR MR.T. RAMAPRASAD UNNI. THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 31-01-2013, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: rs. CrI.MC.No. 3479 of 2012 APPENDIX PETITIONER'S ANNEXURES:- ANNEXURE A1 COPY OF THE COMPLAINT DATED 23 06/2007 BEFORE THE JFCM-I, PATHANAMTHITTA. ANNEXURE A2 COPY OF THE FIR IN CRIME NO.340 OF 200.OF ARANMULA POLICE STATION, DATED 09 07/2007. ANNEXURE A3 COPY OF THE FINAL REPORT SUBMITTED BEFORE THE JFCM-I, PATHANAMTHITTA DATED 10 12/2007 IN FIR NO.340/07 OF ARANMULA POLICE STATION. RESPONDENT'S ANNEXURES:- NIL. //TRUE COPY// P.S. TO JUDGE rs. T.R.RAMACHANDRAN NAIR, J.

----- CrI. M.C.No. 3479 of 2013 -----
----- DATED THIS THE 31st DAY OF JANUARY, 2013

ORDER

The petitioners are accused 1 to 3 in C.C. No.102/2008 of Judicial Magistrate of First Class -I, Pathanamthitta. The first respondent is the defacto complainant. The offences alleged are under Sections 323, 341, 294 (b) and 498A read with Section 34 I.P.C. Petitioners 2 and 3 are the parents of the first petitioner.

2. The marriage between the first petitioner and the first respondent was conducted on 1.4.2007 and after some time they fell apart. Annexure A2 is the

copy of F.I.R. in Crime No.340/2007 of Aranmula Police Station and Annexure A3 is the copy of the final report.

3. Heard learned counsel for the petitioners, learned counsel for the first respondent and learned Public Prosecutor.

4. It is submitted that the disputes have been amicably settled between the parties. The first respondent has filed an affidavit stating that there is a settlement between the parties and she is not interested in continuing with the prosecution against the accused persons in C.C. No.102/2008. CrI.M.C.No.3479/2012 -2- 5. In the light of the fact that there is an amicable settlement of the matrimonial disputes and as the criminal complaint arose out of the fall out of the said dispute, there will not be any useful purpose in proceeding with the criminal case. There will not be any successful prosecution also. This is a fit case where this Court can exercise the jurisdiction under Section 482 of the Code of Criminal Procedure, in the light of the amicable settlement between the parties. Accordingly, the CrI.M.C. is allowed. The proceedings in C.C. No.102/2008 on the file of the Judicial First Class Magistrate Court-I, Pathanamthitta will stand quashed. No costs. (T.R.RAMACHANDRAN NAIR, JUDGE) kav/

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