

Nisha Vs. the State of Kerala

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Court : Kerala

Decided On : Jan-31-2013

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

Appellant : Nisha

Respondent : The State of Kerala

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. 706 of 2013 ----- AGAINST THE ORDER/JUDGMENT IN CC.109/2012 of JUDICIAL FIRST CLASS MAGISTRATE, VAIKOM CRIME NO. 175/2011 OF THALAYOLAPARAMBU POLICE STATION , KOTTAYAM 1 TT PETITIONER/DEFACTO COMPLAINANT AND ACCUSED : ----- 1. NISHA, AGED 3 YEARS, W/O. RAJEEV R.PILLAI, RESIDING AT KOCHUPURACKAL HOUSE, MARAVANTHURUTHU P.O.,VAIKOM,KOTTAYAM.

2. RAJEEV R.PILLAI S/O. RAMACHANDRAN PILLAI,LAKSHMI KRIPA,VARANADU P.O. CHERTHALA.

3. RAMACHANDRAN PILLAI LAKSHMI KRIPA,VARANADU P.O.,CHERTHALA.

4. VIJAYAMMA W/O. RAMACHANDRAN PILLAI, LAKSHMI KRIPA, VARANADU P.O. CHERTHALA. BY ADV. SRI.R.RAJASEKHARAN PILLAI COMPLAINANT(S):
----- THE STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR HIGH COURT OF KERALA, ERNAKULAM-682031. BY SMT.V.H.JASMINE, PUBLIC PROSECUTOR THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 31-01-2013, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: AS CrI.MC.No. 706 of 2013 APPENDIX PETITIONER(S) EXHIBITS: ANNEXURE 1 : COPY OF FIR IN CRIME NO.175/2011 OF THALAYOLAPARAMBU POLICE STATION CHARGED IN THE JUDICIAL FIRST CLASS MAGISTRATE COURT, VAIKOM. ANNEXURE 2 : COPY OF THE ORDER DTD.3.7.2012 IN TP NO.474/2011 OF THE HON'BLE APEX COURT. ANNEXURE 3 : COPY OF THE NOTICE DTD.21.8.2012 OF THE FAMILY COURT, ETTUMANOOR. ANNEXURE 4 : COPY OF THE REPORT DTD.15.12.2012 SUBMITTED BY THE COUNSELLOR BEFORE THE FAMILY COURT, ETTUMANOOR. RESPONDENTS' EXHIBITS: NIL /TRUE COPY/ P.A.TO JUDGE AS T.R.RAMACHANDRAN NAIR, J.

----- CrI. M.C.No. 706 of 2013 -----
----- DATED THIS THE 31st DAY OF JANUARY, 2013

ORDER

The defacto complainant as well as her husband along with his relatives are the petitioners herein. The second petitioner is the husband of the first petitioner and petitioners 3 and 4 are the parents of the second petitioners. Petitioners 2, 3 and 4 have been arrayed as accused in Crime No.175/2011 of Thalayolaparambu Police Station. The offences alleged are under Sections 498A and 406 read with Section 34 IPC. It is now pending as C.C. No.109/2012 on the file of the Judicial First Class Magistrate Court, Vaikom.

2. It is submitted that all the disputes have been settled and the parties are living together. They have got one child in the wedlock. In fact, the parties have entered into a settlement in the light of the observations made by the Apex Court in Annexure 2 order. Therein, the transfer of F.C.O.P.No.92/2011 pending before the Family Court, Salem was ordered to the Family Court, Kottayam. The Apex Court

directed the transferee court to take all endeavour either for amicable settlement or for early decision in the main matter without unnecessary adjournment. It Crl.M.C.No.706/2013 -2- is stated that thereafter the disputes have been settled between the parties amicably.

3. In the light of the above settlement, there will not be any useful purpose in proceeding with the criminal case, especially in the light of the principles laid down by the Apex Court in Ramesh Chandra Sankla v. Vikram Cements {(2008) XIV SCC 580}. For all these reasons, the Crl.M.C. is allowed. The proceedings in C.C. No.109/2012 of the Judicial First Class Magistrate Court, Vaikom will stand quashed as against the petitioners 2 to 4. No costs. (T.R.RAMACHANDRAN NAIR, JUDGE) kav/

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