

Sathishkumar Vs. State of Kerala

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Court : Kerala

Decided On : Jan-31-2013

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

Appellant : Sathishkumar

Respondent : 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. 2993 of 2012 ----- CR. NO. 600/2011 OF VATTIYOORKAVU POLICE STATION , THIRUVANANTHAPURAM PETITIONER(S)/1ST ACCUSED: ----- SATHISHKUMAR, S/O.S.RAVINDRAN,KATTAKALIL HOUSE,88, BHARAT NAAR,NETTAYAM POST,THIRUVANANTHAPURAM. BY ADVS.SRI.RENJITH THAMPAN (SR.) SRI.V.M.KRISHNAKUMAR RESPONDENT/STATE/COMPLAINANT: ----- 1. STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.

2. GOPIKA D/O.KUMARI RAMANI,CORDIAL APARTMENT,KODUNGANNUR, THIRUVANANTHAPURAM DISTRICT,PIN-695013. R2 BY ADV. SRI.K.K.SARACHANDRA BOSE R2 BY ADV. SMT.B.HARINI BY SRI.RAMAP PRASAD UNNI, PUBLIC PROSECUTOR THIS CRIMINAL MISC. CASE HAVING

BEEN FINALLY HEARD ON 31-01-2013, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: AS CrI.MC.No. 2993 of 2012 APPENDIX PETITIONER(S) EXHIBITS: ANNEXURE-I: TRUE COPY OF THE CASE DAIRY OF CR.NO.600/11 OF VATTIYURKAVU POLICE STATION. ANNEXURE-II: TRUE COPY OF THE AGREEMENT DATED 01 08.2011 EXECUTED BETWEEN THE PETITIONER AND THE SECOND RESPONDENT. ANNEXURE-III: TRUE COPY OF THE AFFIDAVIT OF THE 2ND RESPONDENT DATED 06 12.2012. RESPONDENTS' EXHIBITS: NIL TRUE COPY/ P.A.TO JUDGE AS T.R.RAMACHANDRAN NAIR, J.

----- CrI. M.C.No. 2993 of 2012 -----
----- DATED THIS THE 31st DAY OF JANUARY, 2013 -----

ORDER

The petitioner is the first accused in Crime No.600/2011 of Vattiyoor kavu Police Station. The offence alleged are under Sections 498A, 506(1) read with Section 34 I.P.C. It is submitted that the issues between the petitioner and the second respondent have been mutually settled between the parties and Annexure II is the copy of the agreement. Annexure III is the copy of the affidavit filed by the second respondent.

2. Learned counsel appearing for the parties submitted that the marriage has also been sought to be divorced on mutual consent as per Section 13B of the Hindu Marriage Act, for which an application has already been filed.

3. Annexure II agreement will show that various conditions have been prescribed therein in terms of the settlement and the monetary claims have also been settled. In the affidavit also, the same fact is reiterated by the second respondent.

4. In the light of the settlement between the parties, there will not be any useful purpose in proceeding with the criminal case, especially in the CrI.M.C.No.2993/2012 -2- light of the legal position declared by the Apex Court in Gian Singh v. State of Punjab (2012 (4) KLT 10.- SC) conferring power on this Court to exercise the jurisdiction under Section 482 of the Code of Criminal Procedure in such cases. Accordingly, the CrI.M.C. is allowed. The proceedings in

Crime No.600/2011 of Vattiyoorkavu Police Station will stand quashed. No costs.
(T.R.RAMACHANDRAN NAIR, JUDGE) kav/

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