

Renjith Vs. State of Kerala

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Court : Kerala

Decided On : Jan-30-2013

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

Appellant : Renjith

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE T.R.RAMACHANDRAN NAIR WEDNESDAY, THE 30TH DAY OF JANUARY 2013 10TH MAGHA 193 CrI.MC.No. 682 of 2013 () ----- CC.82/2012 of JUDICIAL FIRST CLASS MAGISTRATE COURT, ETTUMANUR ----- PETITIONER(S)/ACCUSED: ----- 1. RENJITH P.S, PALLACKAPILLIL HOUSE,THOTTUMUGHOM KARA,ALUVA EAST ALUVA VILLAGE 2 SASIKALA, W/O LATE PRABHAKARAN PALLACKAPILLIL HOUSE THOTTUMUGHOM KARA,ALUVA EAST,ALUVA VILLAGE BY ADVS.SRI.T.A.SHAJI (SR.) SRI.M.A.ASIF SMT.NAMITHA JYOTHISH RESPONDENT(S) / DEFACTO COMPLAINANT(S)/STATE : ----- 1. STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM (REPRESENTING THE STATION HOUSE OFFICER, VAIKOM POLICE STATION) 2. KAVERI.S. THAMPI, D/O SAIDUMOHAMMED, KANNIMITTATHU PUTHEN PURA, CHEMPU P.O,VAIKOM-686608. R1 BY

PUBLIC PROSECUTOR ADV. SMT. V.H. JASMINE R2 BY ADVS. SRI.S.SREEKUMAR (SR.) SRI.P.MARTIN JOSE SRI.P.PRIJITH THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 30-01-2013, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: NS CrI.MC.No. 682 of 2013 () APPENDIX PETITIONER(S) ANNEXURES : ANNEXURE A : COPY OF THE FINAL REPORT IN CRIME NO.1174/2010 OF VAIKOM POLICE STATION. ANNEXURE B : COPY OF THE COMMON AWARD DATED 1 08.2012. ANNEXURE C : COPY OF THE AFFIDAVIT DATED 14 01.2013 SWORN TO BY THE DEFACTO COMPLAINANT. RESPONDENT(S) ANNEXURES : NIL / TRUE COPY / NS P.A. TO JUDGE T.R. RAMACHANDRAN NAIR, J.

----- CrI. M.C. No.682 OF
201.------ Dated this the 30th day of January, 2013.

ORDER

The prayer in the CrI.M.C is to quash the proceedings in C.C.No.82/2012 on the file of the Judicial First Class Magistrate Court, Ettumanoor.

2. It is submitted by the learned counsel for the petitioners that the disputes between the parties have been settled and Annexure B is a copy of the common award passed by the Lok Adalath organised by the High Court Legal Services Committee. It is pointed out in the CrI.M.C that when the transfer petitions namely, Tr.P.(C) Nos.251 and 262 of 2012 came up before this Court, this Court referred the matter to the Lok Adalath and pursuant to the mediation, all the gold ornaments were handed over and the monetary claims were also fully settled. Annexure C is the affidavit sworn to by the de facto complainant namely, 2nd respondent herein. Therein, it is submitted that the disputes have been settled and a joint petition for divorce has CrI.M.C.No.682/2013 2 been filed and the minimum time for passing the decree of divorce is awaited. It is further stated that the proceedings in C.C.No.82/2012 need not be proceeded with and the same can be concluded also.

3. Heard the learned Senior Counsel for the petitioners Sri.T.A.Shaji, the learned Senior Counsel for the 2nd respondent Sri.S.Sreekumar and the learned Public Prosecutor.

4. In the light of the settlement between the parties, there will not be any useful purpose in proceeding with the matter. The view taken by the Apex Court in Gian Singh vs. State of Punjab (2012 (4) KLT 10.(SC)) is also to the effect that when private disputes have been settled, this Court can quash the proceedings even if one of the offences is non compoundable. The Crl. M.C. is allowed. The proceedings in C.C.No.82/2012 on the file of the Judicial First Class Magistrate Court, Ettumanoor is hereby quashed. T.R. RAMACHANDRAN NAIR JUDGE smp

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