

Rameswary Vs. Binukumar

Rameswary Vs. Binukumar

SooperKanoon Citation : sooperkanoon.com/1017401

Court : Kerala

Decided On : Jul-15-2013

Judge : Honourable Mr.Justice P.Bhavadasan

Appellant : Rameswary

Respondent : Binukumar

Judgement :

IN THE HIGH COURT OF KERALAAT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE P.BHAVADASAN MONDAY, THE 15TH DAY OF JULY2013/24TH ASHADHA, 1935 CrI.MC.No. 2882 of 2013 () ----- CP 41/2011 of ADDL.CHIEF JUDICIAL MAGISTRATE COURT.,THIRUVANANDAPURAM CRIME NO. 905/2010 OF VANCHIYOOR POLICE STATION , THIRUVANANDAPURAM PETITIONER/DE-FACTO COMPLAINANT: ----- RAMESWARY D/O. POOMBAYAMMAL, KOTTAKKUMBOOR, VATTAVILA PANCHAYAT, IDUKKI DISTRICT. BY ADV. SRI.G.SUDHEER RESPONDENTS/ACCUSED AND STATE: ----- 1. BINUKUMAR, S/O. RAVEENDRA BABU, SAMTHRUPTHI, EDAYAKKODU CHADAYAMANGALAM VILLAGE, KOTTARAKKARA.

2. STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR HIGH COURT OF KERALA, ERANAKULAM. R1 BY ADV.SRI.SHAJIN S.HAMEED R2 BY PUBLIC PROSECUTOR SRI. DHANESH MATHEW MANJOORAN THIS

CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 15-07-2013,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING: CrI.MC.No. 2882
of 2013 () APPENDIX PETITIONER(S)' EXHIBITS -----
ANNEXURE A- COPY OF FIR IN CRIME NO. 905/10. ANNEXURE B- COPY OF
THE FINAL REPORT. ANNEXURE C- COPY OF THE AFFIDAVIT SWORN IN BY
PETITIONER BEFORE THE NOTARY PUBLIC. RESPONDENT(S)' EXHIBITS
----- NIL // TRUE COPY // P.A. TO JUDGE sou.
P.BHAVADASAN, J.

----- CrI.M.C. No. 2882 OF 201.- -----
----- Dated this the 15th day of July, 2013.

ORDER

The petitioner is none other than the defacto complainant on whose complaint Crime No.905 of 2010 of Vanchiyoor Police Station was registered against the accused who is the respondent herein for the offences punishable under Sections 376 and 417 of Indian Penal Code.

2. The defacto complainant appears through a counsel and filed an affidavit to the effect that she withdraws all the allegations against the accused and she does not wish to continue the proceedings. She says that she is married and leading a happy peaceful homely life and she does not wish to proceed with the matter at all, in the interest of her marital life. She therefore prays that the matter may be given a quietus.

3. Though the offences alleged are not compoundable and the offence alleged is a serious one, CrI.M.C. No. 2882 OF 201.-2- since it is a personal matter and since the defacto complainant has herself approached this Court seeking to have the matter closed, so that her family life may go smoothly, it becomes necessary for this Court to consider the petition filed by the petitioner.

4. Since no public issue is involved and the matter is purely personal and since the defacto complainant says that she is married and she wishes to have a peaceful and happy married life and she does not want this to be a hindrance to the peaceful matrimonial life, it is felt that it will be only just and proper for this Court to

grant necessary relief to the petitioner. This petition is allowed. All further proceedings in C.P.No.41/2011 pending before the ACJM Court including final report shall stand quashed and the petitioner shall stand discharged.
P.BHAVADASAN JUDGE ds

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com