

Vinod vs State of Kerala

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Court : Kerala

Decided On : Feb-29-2024

Judge : Honourable Mrs. Justice Sophy Thomas

Appeal No. : Crl.MC/9191/2023

Appellant : VINOD

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MRS. JUSTICE SOPHY THOMAS THURSDAY, THE 29TH DAY OF FEBRUARY 2024 / 10TH PHALGUNA, 1945 CRL.MC NO. 9191 OF 2023 CRIME NO.0672/2021 OF Ochira Police Station, Kollam AGAINST THE ORDER/JUDGMENT DATED IN CC NO.145 OF 2022 OF JUDICIAL MAGISTRATE OF FIRST CLASS - I, KARUNAGAPPALLY PETITIONERS/ACCUSED 1 TO 4:

1 VINOD AGED 39 YEARS S/O. RAGHAVAN UNNITHAN
VAZHAPPALLIL VEEDU, 2 RAGHAVAN UNNITHAN AGED 80 YEARS
S/O. GOPALA PILLAI VAZHAPPALLIL VEEDU,
CHANGANKULANGARA MURI OCHIRA VILLAGE

KARUNAGAPPALLY, PIN - 690518 3 SARASAMMA AGED 70 YEARS
W/O. RAGHAVAN UNNITHAN VAZHAPPALLIL VEEDU, 4 VIDHYA
AGED 41 YEARS S/O. RAGHAVAN UNNITHAN VAZHAPPALLIL
VEEDU, BY ADVS. SADCHITH.P.KURUP C.P.ANIL RAJ SIVA SURESH
RESHMA RAJ

RESPONDENTS/COMPLAINANT: 1 STATE OF KERALA REPRESENTED BY
PUBLIC PROSECUTOR,HIGH COURT OF KERALA, PIN - 682031 2 THE
STATION HOUSE OFFICER OCHIRA POLICE STATION KOLLAM, PIN - 690526
3 GAYATHRI BABU AGED 37 YEARS D/O. GOPAKUMARI THATWAMASI,
VADAKKUMTHALA EAST MURI, CRL.MC NO. 9191 OF 2023 2
VADAKKUMTHALA VILLAGE KARUNAGAPPALLY TALUK KOLLAM, PIN -
690536 BY ADV JOSE ANTONY OTHER PRESENT: PP-SRI.PRASANTH M.P
THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
29.02.2024, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:
CRL.MC NO. 9191 OF 2023 3

ORDER

This Crl.M.C. under Section 482 of Cr.P.C. is filed by accused Nos. 1 to 4 in Crime
No.672/2021 of Ochira Police Station, Kollam, registered under Sections 498A,
323 read with Section 34 of IPC, for quashing Annexure A2 final report in
C.C.No.145/2022, on the file of Judicial First Class Magistrate Court,
Karunagappally.

2. The prosecution allegation is that, the petitioners who

are the husband and in-laws of the defacto complainant subjected her to
matrimonial cruelties, demanding more dowry and due to their threat the defacto
complainant had to take loan for giving 30 sovereigns of gold and a car worth
Rs.11 lakh to them, pushing her into financial liabilities to the tune of
Rs.31,80,000/-.

3. When the matter is taken up for consideration, learned

counsel for the petitioners would submit that the matter stands settled, and they produced Annexure A3 affidavit of respondent No.3, endorsing the factum of settlement, and stating that, she has no intention to continue with the prosecution. She has no objection in quashing the proceedings in C.C.No.145/2022, pending against the petitioners before Judicial First Class CRL.MC NO. 9191 OF 2023 4 Magistrate Court, Karunagappally.

4. Learned Public Prosecutor on instructions submitted that

the matter has been settled, and he produced the signed statement of respondent No.3, stating that as the matter is settled, she has no objection in quashing the proceedings in C.C.No.145/2022.

5. Since the matter stands settled, no purpose would be served by continuing the prosecution against the petitioners.

6. In the light of the principles laid down by the Apex Court

in Gian Singh v. State of Punjab and Another; [(2012) 10 SCC 303)], and State of Madhya Pradesh v. Laxmi Narayan and Others; [(2019) 5 SCC 688], this Court is of the view that the proceedings against the petitioners can be quashed on the basis of the settlement. In the result, this Crl.M.C. is allowed and Annexures A2 final report in C.C.No.145/2022, on the file of Judicial First Class Magistrate Court, Karunagappally. stands quashed. Sd/- SOPHY THOMAS JUDGE ska CRL.MC NO. 9191 OF 2023 5 APPENDIX OF CRL.MC 9191/2023 PETITIONER ANNEXURES Annexure A1 A TRUE COPY OF THE FIRST INFORMATION REPORT ALONG WITH THE FI STATEMENT DATED 1.8.2021, REGISTERED AT THE CHAVARA POLICE STATION, KOLLAM Annexure A2 A TRUE COPY OF THE FINAL REPORT DATED 25.10.2021 IN CRIME NO. 672/2021 Annexure A3 A TRUE COPY OF THE AFFIDAVIT DATED 14.6.2023 TOWARDS THE SETTLEMENT AS SWORN BY THE 3RD RESPONDENT

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