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Sajith vs State of Kerala

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SooperKanoon Citation : sooperkanoon.com/1312795

Court : Kerala

Decided On : May-31-2024

Judge : Honourable Mr. Justice a. Badharudeen

Appeal No. : Crl.MC/2018/2024

Appellant : Sajith

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE A. BADHARUDEEN FRIDAY, THE 31ST DAY OF MAY 2024 / 10TH JYAISHTA, 1946 CRIME NO.154/2022 OF KURATHIKADU POLICE STATION, ALAPPUZHA. C.C.NO.297 OF 2022 OF JUDICIAL MAGISTRATE OF FIRST CLASS-I, MAVELIKKARA. PETITIONERS/ACCUSED 1 TO 3: 1 SAJITH, AGED 34 YEARS, S/O.SUKUMARAN, VATTAVILAYIL VEEDU, 2 SUKUMARAN, AGED 68 YEARS, VATTAVILAYIL VEEDU, 3 SARALA, AGED 62 YEARS, W/O.SUKUMARAN, VATTAVILAYIL VEEDU, BY ADV. R.PADMAKUMAR RESPONDENTS/STATE & DEFACTO COMPLAINANT: 1 STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, PIN - 682031 2 DHANYA VIJAYAN, AGED 28 YEARS, W/O.SAJITH, VIJAYA VILASAM, CHERUKUNNAM,

THEKKEKKARA VILLAGE, ALAPPUZHA DISTRICT, PIN - 690107 SRI.RENJIT GEORGE, SENIOR PUBLIC PROSECUTOR THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 31.05.2024, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: -2-

ORDER

Dated this the 31st day of May, 2024

This Criminal Miscellaneous Case has been filed under Section 482 of the Code of Criminal Procedure, 1973, to quash all further proceedings pursuant to Annexure A3 Charge Sheet in Crime No.154/2022 of Kurathikadu Police Station, now pending as C.C. No.297/2022 on the files of the Judicial Magistrate of First Class-I, Mavelikkara. Petitioners herein are the accused in the above case.

2. Heard the learned counsel for the petitioners, the learned counsel appearing for the defacto complainant and the learned Public Prosecutor.

3. In this matter, offence punishable under Section 498(A) of IPC is alleged to have been committed by the accused and the de facto complainant is none other than the wife of the 1st accused.

4. An affidavit sworn by the defacto complainant has been placed stating that the matter has been settled in between -3- them and she has no grievance in the matter of quashing the proceedings.

5. The learned Public Prosecutor also submitted that the matter has been settled between the parties and statement of the defacto complainant to that effect has been recorded.

6. Since the matter has been settled, there is no reason

to disallow the prayer for quashment, so as to facilitate peaceful living of the married couple. Therefore, in the interest of justice, I am inclined to

allow this petition. In the result, this petition stands allowed. Annexure A3 Charge Sheet in Crime No.154/2022 of Kurathikadu Police Station, now pending as C.C. No.297/2022 on the files of the Judicial Magistrate of First Class-I, Mavelikkara and the proceedings thereof stand quashed.

Sd/- A. BADHARUDEEN JUDGE bpr -4-

APPENDIX OF CRL.MC 2018/2024 PETITIONERS' ANNEXURES Annexure A1 A TRUE COPY OF THE COMPLAINT AS C.M.P.NO.634/2022 FILED BY THE 2ND RESPONDENT/DEFACTO COMPLAINANT BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT-I, MAVELIKKARA. Annexure A2 A TRUE COPY OF THE FIR NO.154/2022 OF KURATHIKADU POLICE STATION, DATED 02.04.2022 Annexure A3 A TRUE COPY OF THE CHARGE SHEET UNDER SECTION 498A, 420, 294(B), 323, 506 R/W. SECTION 34 OF IPC DATED 28.04.2022 FILED BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT-I, MAVELIKKARA Annexure A4 AFFIDAVIT OF 2ND RESPONDENT DATED 22.02.2024

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