

Arun vs State of Kerala

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Court : Kerala

Decided On : Mar-06-2024

Judge : Honourable Mrs. Justice Sophy Thomas

Appeal No. : Crl.MC/10242/2023

Appellant : ARUN

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MRS. JUSTICE SOPHY THOMAS
WEDNESDAY, THE 6TH DAY OF MARCH 2024 / 16TH PHALGUNA,
1945 CRL.MC NO. 10242 OF 2023 CRIME NO.1823/2018 OF
Kadakkavoor Police Station, Thiruvananthapuram

AGAINST THE ORDER/JUDGMENT DATED IN CC NO.946 OF 2019
OF JUDICIAL MAGISTRATE OF FIRST CLASS ,VARKALA
PETITIONER/S: ARUN AGED 39 YEARS S/O.KUNJACHAN, KUTTIYIL
HOUSE, PUTHANKOTTAKKAKAM, CHENNITHALA P.O,
MAVELIKKARA, ALAPPUZHA DISTRICT., PIN - 689622 BY ADVS.
C.P.SAJI P.ANIYAN PRIYA NAIR AHALYA PRAKASH K.V.

RESPONDENT/S: 1 STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF KERALA, PIN - 2 RAJI AGED 32 YEARS RESIDING AT K.R.NIVAS, CHOKKALAVILAKAM, KADAKKAVOOR, THIRUVANANTHAPURAM DISTRICT, PIN - 695306 OTHER PRESENT: PP-SRI.PRASANTH M.P THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 06.03.2024, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: ..2..

SOPHY THOMAS, J.

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ORDER

Dated this the 06th day of March, 2024 This CrI.M.C. under Section 482 of Cr.P.C. is filed by the sole accused in Crime No. 1823 of 2018 of Kadakkavoor police station, Thiruvananthapuram, registered under Section 498A, of IPC for quashing Annexure-A2 final report in C.C. No. 946 of 2019 on the file of Judicial First Class Magistrate Court-I,

2. The prosecution allegation is that, the petitioner who is the husband of the de facto complainant subjected her to matrimonial cruelties.

3. When the matter is taken up for consideration, learned counsel for the petitioner would submit that the matter stands ..3..

settled, and he produced Annexure-A3 affidavit of the 2nd respondent, endorsing the factum of settlement, and further stating that, she has no intention to continue with the prosecution. She has no objection in quashing the proceedings in C.C. No. 946 of 2019 on the file of Judicial First Class Magistrate Court-I,

4. Learned Public Prosecutor, on instructions, submitted that

the matter has been settled, and he produced signed statement of the 2nd respondent, to the effect that, as the matter is settled, she has no objection in

quashing the proceedings in C.C. No. 946 of 2019 on the file of Judicial First Class Magistrate Court-I,

5. Since the matter stands settled, no purpose would be

served by continuing the proceedings against the petitioner. 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 ..4..

proceedings against the petitioner can be quashed on the basis of settlement. Moreover, the dispute is purely personal in nature, and no public interest is involved in it. In the result, this Crl.M.C. is allowed and Annexure A2 final report in C.C. No. 946 of 2019 on the file of Judicial First Class Magistrate Court-I, Varkala stands quashed. Sd/- SOPHY THOMAS JUDGE

RMV ..5.. APPENDIX OF CRL.MC 10242/2023 PETITIONER ANNEXURES
Annexure A1 THE CERTIFIED COPY OF THE FIRST INFORMATION REPORT
IN CRIME NO. 1823/2018 OF KADAKKAVOOR POLICE STATION Annexure A2
THE CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO. BEFORE THE
JUDICIAL FIRST CLASS MAGISTRATE COURT-1 VARKKALA Annexure A3
AFFIDAVIT FILED BY THE 2ND RESPONDENT RESPONDENTS' EXHIBITS: NIL
TRUE COPY P.A. TO JUDGE

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