

Vincent E.a vs State of Kerala

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Court : Kerala

Decided On : Feb-01-2024

Judge : Honourable Mrs. Justice Sophy Thomas

Appeal No. : Crl.MC/10810/2023

Appellant : Vincent E.a

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MRS. JUSTICE SOPHY THOMAS THURSDAY, THE 1ST DAY OF FEBRUARY 2024 / 12TH MAGHA, 1945 CRL.MC NO. 10810 OF 2023 CRIME NO.0141/2023 OF Pavaratty Police Station, Thrissur CC 268/2023 OF JUDICIAL MAGISTRATE OF FIRST CLASS ,CHAVAKKAD PETITIONERS/ACCUSED: 1 VINCENT E.A AGED 45 YEARS S/O ANTONY, EDAKKALATHUR HOUSE,MULLASSERY,VENKIDANGU,TRISSUR, PIN - 680509 2 ROSILY AGED 68 YEARS W/O ANTONY, EDAKKALATHUR HOUSE, MULLASSERY,VENKIDANGU,TRISSUR, PIN - 680509 BY ADV KIROSH RAJAN PONNAMBIL RESPONDENTS/COMPLAINANT: 1 STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF KERALA, PIN - 2 JENCY VINCENT AGED 40 YEARS W/O VINCENT E.A, POOVATHINGAL

HOUSE, NOW RESIDING AT EDAKKALTHUR HOUSE, VENKIDANGU P.O, TRISSUR, PIN - 680509 BY ADV JEES MARTIN OTHER PRESENT: SR.PP-SRI.RENJIT GEORGE THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 01.02.2024, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: ..2..

SOPHY THOMAS, J.

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ORDER

Dated this the 01st day of February, 2024 This Crl.M.C. under Section 482 of Cr.P.C. is filed by accused Nos. 1 and 2 in C.C. No. 268 of 2023 on the file of Judicial First Class Magistrate, Chavakkad, Thrissur for quashing Annexure-A1 Final Report in Crime No. 141 of 2023 of Pavaratty police station, Thrissur, registered under Sections 498A of IPC.

2. The prosecution allegation is that the petitioners who are the husband and in-laws of the de facto complainant subjected her to matrimonial cruelties demanding more money and gold. ..3..

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

counsel for the petitioners submitted that, the matter stands settled between the petitioners and the de facto complainant. Petitioners produced Annexure-A2 affidavit of the de facto complainant, stating that, the matter has been settled between herself and the petitioners amicably, and no purpose would be served in prosecuting the matter any further. She also intends to withdraw from the prosecution, and she has no objection in quashing the proceedings, against the petitioners.

4. In the given facts and circumstances, this Court is of the view that, there is no purpose in proceeding with the criminal prosecution initiated against the

petitioners.

5. In the light of the principles laid down by the Supreme

Court in *Gian Singh v. State of Punjab and Another* [(2012) 10 SCC 303] and *State of Madhya Pradesh v. Laxmi Narayanan and others* [(2019) 5 SCC 688], this Court is of the view that the proceedings can be quashed on the basis of settlement. ..4.. In the result, this Crl.M.C. is allowed, and Annexure-A1 final report in Crime No. 141 of 2023 of Pavaratty police station, Thrissur stands quashed. Sd/- SOPHY THOMAS JUDGE RMV ..5.. APPENDIX OF CRL.MC 10810/2023 PETITIONER ANNEXURES Annexure A1 CERTIFIED COPY OF THE FINAL REPORT/ CHARGE SHEET IN CC NO.268/2023 OF JFCM, CHAVAKKAD Annexure A2 AFFIDAVIT BY THE SECOND RESPONDENT/ DEFACTO COMPLAINANT RESPONDENTS' EXHIBITS:NIL TRUE COPY P.A.TO JUDGE

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