

Ramesh Kumar K vs State of Kerala

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Court : Kerala

Decided On : Jul-13-2023

Judge : Honourable Mr. Justice Bechu Kurian Thomas

Appeal No. : Crl.MC/2955/2023

Appellant : Ramesh Kumar K

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS
THURSDAY, THE 13TH DAY OF JULY 2023 / 22ND ASHADHA, 1945 CRL.MC
NO. 2955 OF 2023 CRIME NO.387/2022 OF VARAPPUZHA POLICE STATION,
ERNAKULAM AGAINST THE ORDER/JUDGMENT CC 255/2022 OF JUDL.
FIRST CLASS MAGISTRATE COURT, III, NORTH PARAVUR (TEMPORARY)
PETITIONERS/ACCUSED NO.1 TO 4 :

1 RAMESH KUMAR K, AGED 47 YEARS S/O RAVUNNI PANICKER, 2
DEVAKIPANIKKATHYAR, AGED 80 YEARS W/O RAVUNNI
PANICKER, KALARIKKAL HOUSE, KAYILIAD, CHALAVARA,
KAYILIAD.P.O., 3 VIJAYAM.K.B., AGED 55 YEARS W/O

GOPALAKRISHNAN.T K., PALNKLAD., PIN - 679 122. 4 GOPIKA.T.K.,
AGED 25 YEARS D/O GOPALAKRISHNAN.T.K., BY ADVS.
K.M.MADHU VISHNUJA AJAYAN

RESPONDENTS/DEFACTO COMPLAINANT : 1 STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, PIN -
682 031. 2 SIJI MOL, AGED 34 YEARS D/O THANKAPPAN, THIRIYANATHIL
HOUSE, VARAPUZHA, ERNAKULAM., PIN - 683 517. BY ADV GOVERNMENT
PLEADER SANGEETH RAJ N.R. THIS CRIMINAL MISC. CASE HAVING COME
UP FOR ADMISSION ON 13.07.2023, THE COURT ON THE SAME DAY
PASSED THE FOLLOWING: BECHU KURIAN THOMAS, J
..... Crl.M.C.No.2955 of 2023 Dated
this the 13th day of July, 2023

ORDER

This petition is filed under Section 482 of the Code of Criminal Procedure, 1973 seeking to quash all further proceedings in C.C.No.255/2022 on the files of the Judicial First Class Magistrate Court-III, North Paravoor alleging offence under Section 498A r/w Section 34 of the Indian Penal Code, 1860.

2. The prosecution case is that the first petitioner, who is the husband

of the 2nd respondent, treated the 2nd respondent with physical and mental cruelty by demanding more dowry and that petitioners 2 to 4 also joined in the alleged crime.

3. Though the final report was filed arraying petitioners as accused

Nos.1 to 4, alleging offences under Section 498A r/w 34 of IPC; it is submitted by the learned counsel for the petitioners that in the meantime, the matter has been settled between the parties. In support of the said submission, 2nd respondent has filed an affidavit as Annexure-A2 stating that the disputes between them have been settled fully.

4. The learned counsel for the 2 nd respondent submitted that the 2 nd respondent had signed the affidavit knowing fully well of its contents and that she is not interested to proceed with the case.

5. Pursuant to instructions obtained by the learned Public Prosecutor, it was submitted that the affidavit filed by the 2nd respondent is genuine and that she still stands with the said affidavit.

6. In view of the aforesaid circumstances and also in view of the

judgment in Gian Singh v. State of Punjab and Another (2012 (4)

KLT 108), the offence alleged against the petitioners having been settled between the petitioners and the 2 nd respondent, I find no reason to continue this prosecution.

7. Accordingly I quash all further proceedings in Annexure-A1 final

report and all further proceedings in C.C. No.255/2022 on the files of the Judicial Magistrate of First Class-III, North Paravoor. This CrI.M.C. is allowed as above.
sd/- BECHU KURIAN THOMAS JUDGE AMV/13/07/2023 APPENDIX OF CRL.MC 2955/2023 PETITIONER ANNEXURES ANNEXURE A1 CERTIFIED COPY OF THE FINIAL REPORT DATED 26/07/2022 IN CC NO. 255/2022 IN CRIME NO.387/2022 OF VARAPUZHA POLICE STATION, OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT-III AT NORTH PARAVOOR. ANNEXURE A2 AFFIDAVIT OF 2ND RESPONDENT/DEFACTO COMPLAINANT TRUE COPY

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