

Bhagyaraj, vs Sunitha,

Bhagyaraj, vs Sunitha,

SooperKanoon Citation : sooperkanoon.com/1353428

Court : Kerala

Decided On : Nov-30-2023

Judge : Honourable Mr. Justice Gopinath P.

Appeal No. : Crl.MC/3005/2023

Appellant : Bhagyaraj,

Respondent : Sunitha,

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE GOPINATH P.
THURSDAY, THE 30TH DAY OF NOVEMBER 2023 / 9TH
AGRAHAYANA, 1945 PROCEEDINGS IN C.C.NO.159/2023 ON THE
FILE OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT - I,
ALATHUR PETITIONER/SOLE ACCUSED: BHAGYARAJ, AGED 39
YEARS, S/O.KUMARAN, KERALAPARAMBU VEEDU, VANUR,
ALATHUR, PALAKKAD-678 508. BY ADV V.A.JOHNSON
(VARIKKAPPALLIL) RESPONDENTS/COMPLAINANT AND STATE: 1
SUNITHA, AGED 36 YEARS, D/O.LATE RAMAN, ANTHAZHY VEEDU,
CHERAMANGALAM.P.O, MELARCODE, ALATHUR, PALAKKAD - 678
703. 2 STATE OF KERALA, REPRESENTED BY PUBLIC

PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM - 682 031.
BY ADV T.J.MARIA GORETTI SRI G. SUDHEER (PP) THIS CRIMINAL
MISC. CASE HAVING COME UP FOR ADMISSION ON 30.11.2023,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER

Petitioner face prosecution in C.C.No.159 of 2023 on the file of the Judicial First Class Magistrate Court - I, Alathur for commission of offence under Sections 498(A) and 406 of the Indian Penal Code. A private complaint was filed by the 1 st respondent alleging commission of offences, as above. The allegation against the petitioner is that while the petitioner and the 1st respondent were residing together, the 1 st respondent was subjected to matrimonial cruelty by the petitioner at his house by demanding cash and more gold ornaments.

2. The learned counsel appearing for the petitioner would

submit that the disputes arose on account of matrimonial disputes between the petitioner and the 1st respondent. It is submitted that all disputes between the petitioner and the 1st respondent have been settled, as is evident from Annexure - 2 affidavit. It is submitted that the proceedings against the petitioner in C.C.No.159 of 2023 on the file of the Judicial First Class Magistrate Court - I, Alathur may be quashed on the basis of settlement.

3. Having regard to the facts and circumstances of the case,

considering the nature of allegations and taking into account the contents of Annexure - 2 affidavit, I am of the view that this is a fit case where jurisdiction of this Court under Section 482 of the Cr.P.C can be invoked and the proceedings against the petitioner can be quashed on the basis of settlement. No public interest will be served by continuing with the proceedings against the petitioner. Accordingly, this Crl.M.C is allowed and all further proceedings in C.C.No.159 of 2023 on the file of the Judicial First Class Magistrate Court - I, Alathur, will stand quashed as against the petitioner. Sd/- GOPINATH P. JUDGE DK APPENDIX OF CRL.MC 3005/2023 PETITIONER ANNEXURES Annexure 1 TRUE COPY OF

THE CRL.M.P.NO.509/2021

FILED BEFORE THE COURT OF JUDICIAL FIRST- CLASS MAGISTRATE-I,
ALATHUR WHICH IS NOW PENDING AS C.C.NO.159/2023 Annexure2 THE
AFFIDAVIT SWORN BY THE 1ST RESPONDENT HEREIN EVIDENCING THE
AFORESAID FACTUM OF SETTLEMENT

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com