

Moidu vs State of Kerala

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Court : Kerala

Decided On : Sep-21-2023

Judge : Honourable Mr. Justice Gopinath P.

Appeal No. : Crl.MC/3589/2023

Appellant : MOIDU

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE GOPINATH P.
THURSDAY, THE 21ST DAY OF SEPTEMBER 2023 / 30TH BHADRA,
1945 CRIME NO.572/2022 OF PADINJARETHARA POLICE STATION,
WYNAD DISTRICT AGAINST C.C.NO.55/2023 OF THE JUDICIAL
FIRST CLASS MAGISTRATE COURT-II, MANANTHAVADY
PETITIONER/ACCUSED: MOIDU, AGED 51 YEARS, S/O. POCKER,
ATHILAN VEED, VARAMBETTA POST, PANTHIPPOYIL
PADINHARATHARA VILLAGE, VYTHIRI TALUK, BY ADV CELINE
JOSEPH RESPONDENT/STATE & CW1:

1 STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031. 2 RAMLA, AGED

43 YEARS, D/O. MOIDU, VALAVIL VEED, VARAMBETTA POST, PANTHIPPOYIL PADINHARATHARA VILLAGE, VYTHIRI TALUK, BY SRI.NOUSHAD K A, SR.PP THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 21.09.2023, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER

Petitioner face prosecution in Crime No.572 of 2022 of Padinjarethara Police Station, Wayanad District, for commission of offence under Section 498(A) of the Indian Penal Code and Sections 3 and 4 of the Muslim Women (Protection of Rights on Marriage) Act, 2019, which is now pending as C.C.No.55 of 2023 on the file of the Judicial First Class Magistrate Court - II, Mananthavady. The allegation against the petitioner is that while the petitioner and the 2 nd respondent were residing together, the 2 nd respondent was subject to matrimonial cruelty by the petitioner at his house by demanding cash and more gold ornaments. It was also alleged that the petitioner divorced the 2nd respondent by pronouncing talak illegally and thereby he committed the aforesaid offences.

2. The learned counsel appearing for the petitioner would

submit that the disputes arose on account of matrimonial disputes between the petitioner and the 2nd respondent. It is submitted that all disputes between the petitioner and the 2nd respondent have been settled, as is evident from Annexure - D affidavit. It is submitted that the proceedings against the petitioner in Crime No.572 of 2022 of Padinjarethara Police Station, Wayanad District, which is now pending as C.C.No.55 of 2023 on the file of Judicial First Class Magistrate Court - II, Mananthavady may be quashed on the basis of settlement.

3. The learned Public Prosecutor confirms that the issues

between the petitioner and the 2nd respondent have been settled.

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

considering the nature of allegations and taking into account the contents of Annexure - D affidavit and the submissions of the learned Public Prosecutor, 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.55 of 2023 on the file of the Judicial First Class Magistrate Court - II, Mananthavady will stand quashed as against the petitioner. Sd/- GOPINATH P. JUDGE DK APPENDIX OF CRL.MC 3589/2023 PETITIONER ANNEXURES Annexure A CERTIFIED COPY OF THE FIR AND F.I. STATEMENT DATED 10.10.2022 OF THE PADINHARATHARA POLICE STATION IN CRIME NO. 572/2022 Annexure B CERTIFIED COPY OF THE FINAL REPORT DATED 30.11.2022 OF THE PADINHARATHARA POLICE STATION IN CRIME NO. 572/2022 Annexure C TRUE COPY OF THE MEMORANDUM OF EVIDENCE IN CRIME NO. 572/2022 OF THE PADINHARATHARA POLICE STATION. Annexure D ORIGINAL OF THE AFFIDAVIT DATED 24.04.2023 AFFIRMED BY THE RESPONDENT NO.2.

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