

Anoop vs State of Kerala

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Court : Kerala

Decided On : Nov-30-2023

Judge : Honourable Mr. Justice Gopinath P.

Appeal No. : Crl.MC/7869/2023

Appellant : ANOOP

Respondent : State of Kerala

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 CRIME NO.52/2023 OF NEDUPUZHA POLICE STATION, THRISSUR DISTRICT PROCEEDINGS IN C.C.NO.657/2023 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, THRISSUR PETITIONERS/ACCUSED 1 TO 3:

1 ANOOP, AGED 35 YEARS, S/O.VELAYUDHAN,THAYYIL HOUSE,HARBART NAGAR ROAD , KANIMANGALAM VILLAGE,NEDUPUZHA, THRISSUR DISTRICT,PIN - 680 027. 2 JAYASREE, AGED 61 YEARS, W/O VELAYUDHAN , THAYYIL HOUSE,HARBART NAGAR ROAD , KANIMANGALAM VILLAGE,

NEDUPUZHA, THRISSUR DISTRICT, PIN - 680 027. 3 VELAYUDHAN, AGED 71 YEARS, S/O CHARU, THAYYIL HOUSE, HARBART NAGAR ROAD, KANIMANGALAM VILLAGE, NEDUPUZHA, THRISSUR DISTRICT, PIN - 680 027. BY ADVS. M.SHAJU PURUSHOTHAMAN K.S.RAJESH

RESPONDENTS/DE-FACTO COMPLAINANT: 1 STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM, PIN - 682 031. 2 SANGEETHA .K.S, AGED 30 YEARS, D/O.SALIL.K.B,SREELAKAM,KANNANGANAATTU HOUSE, PERUVAARAM KARAYIL.P.O, NORTH PARAVUR, ERNAKULAM DISTRICT, PIN - 683 515. SRI NOUSHAD K.A. (SR PP) ADV.SEBASTIAN K C THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 30.11.2023, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER

Petitioners face prosecution in Crime No.52 of 2023 of Nedupuzha Police Station, Thrissur District, for commission of offence under Section 498(A) read with Section 34 of the Indian Penal Code. The matter is now pending as C.C.No.657 of 2023 on the file of the Judicial First Class Magistrate Court, Thrissur. The 1st petitioner is the husband of the de-facto complainant / 2 nd respondent. Petitioners 2 and 3 are parents of the 1 st petitioner. The allegation against the petitioners is that while the 1st petitioner and the 2nd respondent were residing together, the 2 nd respondent was subjected to matrimonial cruelty by the petitioners at their house. It is alleged that the 1st petitioner harassed the 2nd respondent with respect to the messages received in her phone and the 2nd petitioner harassed the 2nd respondent by scolding her as being uneducated and the 3rd petitioner harassed the 2nd respondent by raising a claim in respect of a Fixed Deposit of Rs.10 lakhs received by the 2nd respondent on her wedding and thereby the petitioners committed the offences alleged against them.

2. The learned counsel appearing for the petitioners would

submit that the disputes arose on account of matrimonial disputes between the 1st petitioner and the 2nd respondent. It is submitted that all disputes between the petitioners and the 2nd respondent have been settled, as is evident from Annexure - 2 affidavit. It is submitted that the proceedings against the petitioners in Crime No.52 of 2023 of Nedupuzha Police Station, Thrissur District, which is now pending as C.C.No.657 of 2023 on the file of the Judicial First Class Magistrate Court, Thrissur, may be quashed on the basis of settlement.

3. The learned Public Prosecutor confirms that the issues

between the petitioners 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 - 2 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 petitioners can be quashed on the basis of settlement. No public interest will be served by continuing with the proceedings against the petitioners. Accordingly, this Crl.M.C is allowed and all further proceedings in C.C.No.657 of 2023 on the file of the Judicial First Class Magistrate Court, Thrissur arising out of Crime No.52 of 2023 of Nedupuzha Police Station, Thrissur District, will stand quashed as against the petitioners. Sd/-
GOPINATH P. JUDGE DK APPENDIX OF CRL.MC 7869/2023 PETITIONER
ANNEXURES Annexure 1 THE CERTIFIED COPY OF THE RELEVANT
EXTRACT OF THE FINAL REPORT IN CRIME.52 /2023 DT. 27.02.2023
Annexure 2 THE AFFIDAVIT SWORN BY THE 2ND RESPONDENT
DT.20.08.2023

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