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Vasanthakumari vs the State of Kerala

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Court : Kerala

Decided On : Jan-31-2022

Judge : Honourable Dr. Justice Kauser Edappagath

Appeal No. : OP(Crl.)/8/2022

Appellant : Vasanthakumari

Respondent : The State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH MONDAY, THE 31ST DAY OF JANUARY 2022 / 11TH MAGHA, 1943 OP(CRL.) NO. 8 OF 2022 IN CMP 836/2021 IN MC 69/2021 OF JUDICIAL MAGISTRATE OF FIRST CLASS -I, KOLLAM PETITIONERS/RESPONDENTS 2 & 3: 1 VASANTHAKUMARI, VADASHERIYIL HOUSE, ROYAL NAGAR P.O., KILLIKOLLUR, KOLLAM - 691 004. 2 GOPALAKRISHNA PILLAI, VADASHERIYIL HOUSE, ROYAL NAGAR P.O., KILLIKOLLUR, KOLLAM - 691 004. BY ADV SHARAN SHAHIER RESPONDENT/STATE & PETITIONER & RESPONDENTS 1 & 4: 1 THE STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM

682031 2 SHALINI, AYANIKATU HOUSE, CHENTHAPURIL, DECENT JUNCTION, KOLLAM - 691 577. 3 RATHEESH, VADASHERIYIL HOUSE, ROYAL NAGAR P.O., 4 GIREESH, VADASHERIYIL HOUSE, ROYAL NAGAR P.O., SRI M P PRASANTH-PP THIS OP (CRIMINAL) HAVING COME UP FOR ADMISSION ON 31.01.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: -:2:-

JUDGMENT

Dated this the 31st day of January, 2022 The petitioners seeks speedy disposal of C.M.P.No.1050/2021 filed by the 2nd respondent under Section 31 of the Domestic Violence Act.

2. Considering the order going to be passed, I am of the view that notice need not be issued to the 2nd respondent.

3. I have heard the learned counsel for the petitioners as well

as the learned Public Prosecutor. I have also called for a report from the learned Magistrate who reported that in CMP No.1050/2021, the statement of the petitioner

was already taken and it is posted for further evidence. In these circumstances, this original petition is disposed of, with a direction to the learned Magistrate to dispose of CMP No.1050/2021 as early as possible, at any rate, within a period of one month from the date of receipt of a copy of this judgment, after hearing both sides.

Sd/- DR. KAUSER EDAPPAGATH JUDGE kp True copy P.A. To Judge -:3:- APPENDIX OF OP(CRL.) 8/2022 PETITIONER EXHIBITS Exhibit P1 A TRUE COPY OF THE FIR IN CRIME NO.955 OF 2021. Exhibit P2 A TRUE COPY OF THE PETITION FILED BY THE 2ND RESPONDENT BEFORE JUDICIAL FIRST CLASS MAGISTRATE COURT-I, KOLLAM. Exhibit P3 A TRUE COPY OF THE OBJECTION FILED BY THE 1ST PETITIONER. Exhibit P4 A TRUE COPY OF THE OBJECTION FILED BY THE 2ND PETITIONER. Exhibit P5 A TRUE COPY OF THE SETTLEMENT DEED NO.1131 DATED 31/03/1975. Exhibit P6 A TRUE

COPY OF THE AFFIDAVIT FILED BY THE 3RD RESPONDENT IN MC 69 OF 2021. Exhibit P7 A TRUE COPY OF THE ORDER IN CMP 836/2021 IN MC NO.69/2021. Exhibit P8 A TRUE COPY OF THE PETITION UNDER SECTION 31 FILED BY THE 2ND RESPONDENT.

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