

Sivakumar, vs Ramya,

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Court : Kerala

Decided On : Feb-26-2021

Judge : Honourable Mrs. Justice Shircy V.

Appeal No. : Crl.MC/605/2021

Appellant : Sivakumar,

Respondent : RAMYA,

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MRS. JUSTICE SHIRCY V. FRIDAY,
THE 26TH DAY OF FEBRUARY 2021 / 7TH PHALGUNA, 1942
Crl.MC.No.605 OF 2021(E) CC 766/2018 OF JUDICIAL MAGISTRATE
OF FIRST CLASS, CHITTUR CRIME NO.299/2018 OF Pudunagaram
Police Station, Palakkad PETITIONERS/ACCUSED NOS. 1 AND 2: 1
SIVAKUMAR, AGED 38 YEARS S/O.SWAMINATHAN, KK PUTHUR,
MARUTHAKUTTITHERUVU, SAYIBABA COLONY, COIMBATORE,
TAMIL NADU-641 001 2 PREMA, AGED 60 YEARS
W/O.SWAMINATHAN, KK PUTHUR, MARUTHAKUTTITHERUVU,
SAYIBABA COLONY, COIMBATORE, TAMIL NADU-641 001 BY ADV.
SRI.V.A.JOHNSON (VARIKKAPPALLIL) RESPONDENTS/DEFACTO

COMPLAINANT & STATE: 1 RAMYA, AGED 29 YEARS, D/O. SOMAKUMARA, NANDHANAM, KULAPPURA, ETHANNUR, PALAKKAD-678 501 2 STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM-682 031 R1 BY ADV. UNNI SEBASTIAN KAPPEN OTHER PRESENT: SRI AJITH MURALI-PP THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 26.02.2021, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER

Dated this the 26th day of February 2021 Petition under Section 482 of the Code of Criminal Procedure.

2. The petitioners are the accused in Crime No. 299 of 2018 of pudunagaram Police Station registered for the offences punishable under Section 498A read with Section 34 of Indian Penal Code now pending as C.C. No. 766 of 2018 on the file of the Judicial First Class Magistrate, Chittur.

3. It is submitted by the learned counsel for the petitioners that the parties have resolved the entire disputes among themselves and as such there is

no subsisting dispute between them. The 1st petitioner and the 1st respondent got separated by a decree for divorce. Therefore, this petition to quash the Annexure A final report and all further proceedings in C.C. No. 766 of 2018 on the file of the Judicial First Class Magistrate, Chittur.

4. Learned counsel appearing for the 1st

respondent/defacto complainant has

submitted

useful purpose would be served in proceeding with the case.

6. Heard both sides and perused the records.

7. On hearing the submissions of all concerned, as well on consideration of the special facts and circumstances involved in this case, I find that no

fruitful purpose is likely to be served by proceeding with the matter against the petitioners. Moreover, no public interest is involved in the case and there is no legal impediment in granting the prayer as sought for by the petitioners. Therefore, for the purpose of securing the ends of justice, this Crl.M.C. is only to be allowed.

For the foregoing reasons, Annexure A final report and all further proceedings in C.C. No. 766 of 2018 on the file of the Judicial First Class Magistrate, Chittur arising from Crime No.299 of 2018 of Pudunagaram Police Station will stand quashed as prayed for. Sd/- SHIRCY V. JUDGE sb APPENDIX PETITIONER'S/S EXHIBITS: ANNEXURE-A CERTIFIED COPY OF THE FINAL REPORT IN CC NO.766/2018 ON THE FILE OF THE COURT OF JUDICIAL FIRST CLASS MAGISTRATE, CHITTUR ANNEXURE-B AFFIDAVIT SWORN BY THE 1ST RESPONDENT HEREIN EVIDENCING THE AFORESAID SETTLEMENT

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