

Jain vs State of Kerala

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Court : Kerala

Decided On : Nov-29-2021

Judge : Honourable Mrs. Justice M.R.Anitha

Appeal No. : Crl.MC/2156/2021

Appellant : JAIN

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MRS. JUSTICE M.R.ANITHA MONDAY, THE 29TH DAY OF NOVEMBER 2021 / 8TH AGRAHAYANA, 1943 CRL.MC NO. 2156 OF 2021 AGAINST THE ORDER/JUDGMENT IN CC 485/2011 OF ADDITIONAL CHIEF JUDICIAL MAGISTRATE ,THIRUVANANTHAPURAM PETITIONERS/ACCUSED NO.1 TO 4:

1 JAIN AGED 46 YEARS S/O. SUJATHA RAJAPPAN, KALYANAKRIHNA VEEDU, ORUVATHILKOTTA, TC NO.79/377, KADAKKAMPALLY VILLAGE, THIRUVANANTHAPURAM - 695004. 2 KANI DEVADAS AGED 59 YEARS S/O. DEVADAS, PUSHPAVADI HOUSE, A-7, AISWARYA NAGAR, KESHAVADASAPURAM, PATTOM

VILLAGE, THIRUVANANTHAPURAM - 695 004. 3 REJI AGED 51 YEARS S/O. SUJATHA RAJAPPAN, PUSHPAVADI HOUSE, AISWARYA NAGAR, KESHAVADASAPURAM, PATTOM VILLAGE, KESHAVADASAPURAM, THIRUVANANTHAPURAM - 695 004. 4 SUJATHA RAJAPPAN AGED 75 YEARS W/O. RAJAPPAN, KALAYANIKRISHA HOUSE, TC 79/377(1), ORUVATHILKOTTA, KADAKKAMPALLY VILLAGE, THIRUVANANTHAPURAM - 695004. BY ADVS. PREEJA V.P. GEORGE BRISTON V.P.PRASANTH

RESPONDENTS/STATE & COMPLAINANT: 1 STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM - 682 031. 2 SREEDEEVI AGED 34 YEARS D/O. SREE RAMAN, KALYANIKRISHNA HOUSE, TC 79/377(1), A33-NPP LANE, ORUVATHIL KOTTA, KADAKKAMPALLY VILLAGE, THIRUVANANTHAPURAM - 695029. BY ADV SRI.ARJUN SATHISH KUMAR THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 29.11.2021, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER

This Crl.M.C. has been filed seeking to quash the entire further proceedings against the petitioners/accused no.1 to 4 in C.C.485/20211 on the file of the Additional Chief Judicial Magistrate Court, Thiruvananthapuram in crime No.316/2011 of Petta Police Station, which has been registered for the offences punishable u/s.498(A), 120(B) r/w.34 of IPC.

2. According to the petitioners they have settled the entire matrimonial issues with the defacto complainant. Second respondent - defacto complainant is the daughter-in-law of the 4th petitioner.

3. Annexure A is the copy of Final Report. The affidavit duly sworn in by the defacto complainant has also been produced.

4. Adv. Sri.Ajrun Sathish Kumar appeared on behalf of the defacto complainant and reports about the settlement arrived at between the parties.

5. Learned Public Prosecutor produced copy of the report of the SHO along with the signed statement of the defacto complainant.

6. It has come out from the affidavit duly sworn in by the defacto complainant as well as the signed statement of the

defacto complainant given to the SHO that the entire matrimonial issues between the parties have been amicably settled out of court and they are residing together and she has no objection in quashing the proceedings against the petitioners.

7. Since the entire matrimonial issues between the

parties have been amicably settled out of court, there is no impediment in quashing the proceedings against the petitioners and further continuance of the proceedings against them will be an abuse of process of court. No public interest is involved and the issue is purely personal in nature. Therefore, I am of the view that it is only just and proper to quash the entire proceedings in C.C.485/20211 on the file of the Additional Chief

Judicial Magistrate Court, Thiruvananthapuram in crime No.316/2011 of Petta Police Station. It is ordered accordingly. In the result, Crl.M.C. stands allowed. Sd/- M.R.ANITHA JUDGE shg APPENDIX OF CRL.MC 2156/2021 PETITIONER ANNEXURE ANNEXURE A TRUE COPY FINAL REPORT NUMBERED AS CC NO.485 OF 2011 DATED 14.05.2011 SUBMITTED BY PETTA POLICE.

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