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Midhun vs State of Kerala

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Court : Kerala Orders

Decided On : Jan-31-2020

Judge : Honourable Mr. Justice P.B.Suresh Kumar

Appeal No. : Crl.MC/852/2020

Appellant : Midhun

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR FRIDAY, THE 31ST DAY OF JANUARY 2020 / 11TH MAGHA, 1941 CRIME NO.624/2019 OF Kathiroor Police Station , Kannur PETITIONERS/ACCUSED NO.1 & 2:

1 MIDHUN AGED 31 YEARS S/O.SHAILAJAN, POTHANTEVIDA VEEDU, KATHIRUR P.O., THALASSERY TALUK, KANNUR-670 642. 2 SHAILAJAN, AGED 55 YEARS F/O.MIDHUN, POTHANTEVIDA VEEDU, KATHIRUR P.O., THALASSERY TALUK, KANNUR-670 642. (ADDITIONAL PETITIONERS NO.3 AND 4 ARE IMPLEADED) 3 ADDL.P3-SEETHALA, W/O.SAILAJAN, POTHANTEVIDA VEEDU,

KATHIRUR P.O.THALASSERY TALUK, KANNUR-670 642. 4 ADDL.P4-SINJU, S/O SAILAJAN, POTHANTEVIDA VEEDU, KATHIRUR P.O. THALASSERY TALUK, KANNUR-670 642.- ARE IMPLEADED AS ADDITIONAL PETITIONERS 3 AND 4 IN CRL.MC 852/2020 AS PER ORDER DATED 31.01.20 IN CRL.MA 3/20 BY ADV. SRI.SATHEESHAN ALAKKADAN

RESPONDENTS/STATE: 1 STATE OF KERALA REP BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA-682 031. 2 JAISHY D/O. JAYAPRAKASHAN, AGED 25 YEARS, PRASADAM, MOODADI P.O., MUDADI VILLAGE, KOYILANDI TALUK-673 307. R2 BY ADV. A.ARUNKUMAR SRI.SANTHOSH PETER - SR.PP THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 31.01.2020, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: Crl.M.C.No.852 of 2020 ----------

ORDER

This is a proceedings under Section 482 of the Code of Criminal Procedure for quashing Annexure - AI First Information Report and all further proceedings pursuant thereto in Crime No.624 of 2019 of Kathiroor Police Station.

2. The petitioners are the accused in the said case. The case was one registered under Sections 498A, 406 read with Section 34 of the Indian Penal Code.

3. It is seen that the petitioners and the de facto complainant have amicably settled the disputes. An affidavit/ sworn to by the de facto complainant to that effect is part of the records.

4. Heard the learned counsel for the petitioners, the learned Public Prosecutor as also the learned counsel for the de facto complainant.

5. It is seen that the dispute arose on account of the matrimonial discord between the de facto complainant and her husband, the first accused. Though the matter is

settled between the parties,I have examined the accusation in the case and found that this is a matter that could be settled and closed in the light of the decisions of the Apex Court in Jitendra Raghuvanshi v. Babita Raghuvanshi, (2013) 4 SCC 58 and Gian singh v. State of Punjab, (2012) 10 SCC 303, invoking the jurisdiction under Section 482 of the Code of Criminal Procedure.

In the result, the Crl.M.C. is allowed and Annexure - AI First Information Report and all further proceedings pursuant thereto in Crime No.624 of 2019 of Kathiroor Police Station are quashed. Sd/- P.B.SURESH KUMAR, JUDGE. PV APPENDIX PETITIONERS' EXHIBITS: ANNEXURE A1 CERTIFIED COPY OF THE FIR IN CRIME NO KANNUR DISTRICT ANNEXURE A11 AFFIDAVIT SWORN BY THE 2ND RESPONDENT HEREIN SHOWING THE FACTUM OF SETTLEMENT BETWEEN THE PARTY RESPONDENTS' EXHIBITS: NIL

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