

Permkumar vs State of Kerala

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Court : Kerala Orders

Decided On : Jun-30-2020

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

Appeal No. : Crl.MC/3088/2019

Appellant : Permkumar

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR
TUESDAY, THE 30TH DAY OF JUNE 2020 / 9TH ASHADHA, 1942
Crl.MC.No.3088 OF 2019(E) CC 678/2011 OF JUDICIAL MAGISTRATE
OF FIRST CLASS-II, CHERTHALA CRIME NO.54/2011 OF
POOCHAKKAL POLICE STATION, ALAPPUZHA PETITIONER :
PREMKUMAR, AGED 53 YEARS, S/O. BHASKARAN NAIR,
'VALLABHAM' HOUSE, TRICHATTUKULAM P.O., CHERTHALA
TALUK, PIN-688 526. BY ADV. SRI.SHAJI THANKAPPAN
RESPONDENTS : 1 STATE OF KERALA, REPRESENTED BY PUBLIC
PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM-682 031. 2
REGHA, AGED 40 YEARS, D/O. VENUGOPALAN NAIR,
KAROTTAPARAMBIL HOUSE, EROOR P.O., NADAMA VILLAGE,

KANAYANNOOR TALUK, PIN-682 306. R2 BY ADV. SMT.PRAISHEEL
PRAKASAM R1 BY SMT.PUSHPALATHA M.K., SR.PUBLIC
PROSECUTOR

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 30.06.2020,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING: Crl.M.C.No.3088
of 2019 -----

ORDER

This is a proceedings under Section 482 of the Code of Criminal Procedure for quashing Annexure-A2 Charge Sheet pending trial before the Judicial First Class Magistrate Court-II, Cherthala in C.C.No.678 of 2011.

2. The petitioner is the accused in the said case. The case was one registered under Sections 498(A) and 34 of the Indian Penal Code.

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

4. Heard the learned counsel for the petitioner, 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 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-A2 Charge Sheet pending trial before the Judicial First Class Magistrate Court-II, Cherthala in C.C.No.678 of

2011 and all further proceedings thereto are quashed. Sd/- P.B.SURESH KUMAR,
JUDGE rkj

APPENDIX PETITIONER'S/S EXHIBITS: ANNEXURE A1 CERTIFIED COPY OF THE FIR AND COMPLAINT IN CRIME NO. 54/2011 OF POOCHAKKAL POLICE STATION. ANNEXURE A2 CERTIFIED COPY OF THE CHARGE SHEET IN C.C.678/2011 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-II, CHERTHALA. ANNEXURE A3 A TRUE PHOTO COPY OF THE MEDIATION AGREEMENT DATED 26.10.2018 BETWEEN THE PETITIONER AND THE 2ND RESPONDENT. ANNEXURE A4 A TRUE PHOTO COPY OF THE PETITION IN O.P. NO.2486/2018 OF FAMILY COURT, ERNAKULAM. ANNEXURE A5 ORIGINAL OF THE AFFIDAVIT DATED 5.4.2019 SIGNED BY THE 2ND RESPONDENT.

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