

Deepa P vs State of Kerala

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Court : Kerala Orders

Decided On : Mar-02-2020

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

Appeal No. : CrI.MC/6377/2019

Appellant : Deepa P

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR
MONDAY, THE 02ND DAY OF MARCH 2020 / 12TH PHALGUNA, 1941
CrI.MC.No.6377 OF 2019(F) CC 66/2018 OF JUDICIAL MAGISTRATE
OF FIRST CLASS, PAYYOLY CRIME NO.614/2017 OF Payyoly Police
Station, Kozhikode PETITIONER/DE FACTO COMPLAINANT: DEEPA
P, AGED 26 YEARS, D/O. PADMANABHAN, THAYYULLA
PARAMBATH HOUSE, PALAYATTU NADA POST, VIA IRINGAL,
KOZHIKODE, PIN-6233521, (PAYYOLI POLICE STATION LIMIT) BY
ADV. SMT.M.M.BABY RESPONDENTS:

1 STATE OF KERALA REPRESENTED BY THE STATION HOUSE OFFICER, PAYYOLI POLICE STATION, PAYYOLI, KOZHIKODE, PIN-673522. 2 VAISAKH V.C, AGED 29 YEARS, S/O. LATE VENUGOPAL, CHUNDAKATTIL HOUSE, POST KALPATHUR, MEPPAYUUR, KOZHIKODE, PIN-673524. 3 C.K. GIRIJA, W/O. LATE VENUGOPAL, CHUNDAKATTIL HOUSE, POST KALPATHUR, MEPPAYYUR, KOZHIKODE, PIN-673524. 4 ANUSREE, D/O. LATE VENUGOPAL, CHUNDAKATTIL HOUSE, POST KALPATHUR, MEPPAYYUR, KOZHIKODE, PIN-673524. R2-4 BY ADV. SRI.A.SANOOJ SRI.AMJAD ALI.SR PP THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 02.03.2020, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Crl.MC.No.6377 of 2019 2 Crl.M.C. No.6377 of 2019

ORDER

This is a proceedings under Section 482 of the Code of Criminal Procedure for quashing Annexure - 2 Final Report pending trial before the Judicial First Class Magistrate Court, Payyoly in C.C.No.66 of 2018.

2. The petitioner is the de facto complainant in

the said case. The case was one registered under Sections 406, 420 and 498A read with Section 34 of the Indian Penal Code. The accused in the case are the husband of the petitioner, her mother-in-law and sister-in-law respectively.

3. It is seen that the petitioner and the accused have amicably settled the disputes. An affidavit sworn to by the petitioner is also part of the records.

4. It is seen that the dispute arose on account of Crl.MC.No.6377 of 2019 3

the matrimonial discord between the petitioner and her husband. 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 CrI.M.C. is allowed and Annexure - 2 Final Report pending trial before the Judicial First Class Magistrate Court, Payyoli in C.C.No.66 of 2018 and all further proceedings thereto are quashed.

Sd/- P.B.SURESH KUMAR, JUDGE. YKB CrI.MC.No.6377 of 2019 4 APPENDIX
PETITIONER'S/S EXHIBITS: ANNEXURE 1 TRUE COPY OF FIR NO.614/2017
DATED 03.11.2017 OF THE PAYYOLI POLICE REGISTERED ON THE BASIS
OF THE PETITIONER'S COMPLAINT TO COURT. ANNEXURE 2 TRUE COPY
OF FINAL REPORT DATED 25.01.2018 IN CR.FIR NO.614/2017 WITH MEMO
OF EVIDENCE ALONG WITH CC 66/18 IN JFCM COURT PAYYOLY.
ANNEXURE 3 TRUE COPY OF OP NO.559/2018 FILED BY R2 AGAINST THE
PETITIONER IN FAMILY COURT VATAKARA. ANNEXURE 4 TRUE COPY OF
MEDIATION AGREEMENT BETWEEN THE PARTIES SETTTLING THE
DEPUTES. RESPONDENT'S/S EXHIBITS: NIL //TRUE COPY// PA TO JUDGE

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