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Pinkymol P.V vs Dency,

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SooperKanoon Citation : sooperkanoon.com/1845352

Court : Kerala

Decided On : Jan-06-2020

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

Appeal No. : Crl.MC/9265/2019

Appellant : Pinkymol P.V

Respondent : DENCY,

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR MONDAY, THE 06TH DAY OF JANUARY 2020 / 16TH POUSHA, 1941 Crl.MC.No.9265 OF 2019(G) AGAINST THE ORDER IN CC NO.243/2019 OF JUDICIAL FIRST CLASS MAGISTRATE -III, THRISSUR PETITIONERS/ACCUSED: 1 PINKYMOL P.V, AGED 26 YEARS, D/O.BEENA VINCENT, VETTAPARAMBIL HOUSE, H.NO.22/611 B(1), EDAKOCHI, ERNAKULAM, NOW RESIDING AT SHWAS FLAT, MYSTIC HEIGHT, TOWER 2, 14TH FLOOR-C1, KANIYAMBUZHA ROAD, VYTILA, ERNAKULAM-682019. 2 BEENA VINCENT, AGED 52 YEARS, VETTAPARAMBIL HOUSE, H.NO.22/611 B(1), EDAKOCHI, ERNAKULAM, NOW RESIDING AT SHWAS FLAT, MYSTIC HEIGHT, TOWER 2, 14TH FLOOR-C1, KANIYAMBUZHA ROAD, VYTILA, ERNAKULAM-682019. 3 SAVIOUR @ UNNI,

AGED 52 YEARS, S/O.K.P.JOHN, KALLARAKKAPARAMBIL HOUSE, FORTKOCHI, ERNAKULAM-682001. 4 GEORGI SIMON, AGED 46 YEARS, ADVOCATE, XII/625 A, SWAMI MADATHIL BUILDING, PULLEPPADI.P.O., OVER BRIDGE, C.P.UMMER ROAD, ERNAKULAM-682035. 5 BASIL CHANDY, AGED 28 YEARS, ADVOCATE, XXI/625 A, SWAMI MADATHIL BUILDING, PULLEPPADI.P.O., OVER BRIDGE, C.P.UMMR ROAD, ERNAKULAM-682031. BY ADV. SRI.PETER M.PAUL Crl.M.C. No.9265 of 2019 2 RESPONDENTS/COMPLAINANT & STATE: 1 DENCY, W/O.TONY, AGED 55 YEARS, 12/474 C, BRAHMAKULAM, KAREPARAMBIL HOUSE, POOCHETTY, ERAVIMANGALAM, AYYAPPANKAVU.P.O., TRICHUR- 680751, NADATHARA VILLAGE. 2 STATE OF KERALA, REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA. R1 BY ADV. C.A.DIVYA SRI.AMJED ALI PP THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 06.01.2020, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: Crl.M.C. No.9265 of 2019 3 Crl.M.C. No.9265 of 2019 ----------

ORDER

This is a proceedings instituted under Section 482 of the Code of Criminal Procedure for quashing the proceedings in C.C.No.243 of 2019 on the files of the Court of the Judicial Magistrate of First Class - III, Thrissur.

2. The petitioners are the accused in the said case.

The said case was instituted upon a private complaint lodged by the first respondent under Sections 465, 467, 469 and 471 read with Section 34 of the Indian Penal Code.

3. It is seen that the occurrence referred to above is

one arose on account of the estranged matrimonial relationship between the first petitioner and the son of the first respondent. It is also seen that the petitioners and the first respondent have settled their disputes, and an affidavit to that effect has been filed by the first respondent.

4. The learned counsel for the first respondent

affirms that the affidavit is one sworn to by the first respondent and submits that the first respondent has no objection in Crl.M.C. No.9265 of 2019 4 granting the relief sought for by the petitioners.

5. In the light of the decisions of the Apex Court in

Gian singh v. State of Punjab, (2012) 10 SCC 303, Narinder singh v. State of Punjab, (2014) 6 SCC 466 and Jitendra Raghuvanshi & Others v. Babita Raghuvanshi & Another, (2013) 4 SCC 58, I am of the view that this is an appropriate case where this court has to invoke the jurisdiction under Section 482 of the Code of Criminal Procedure to quash the proceedings against the petitioners. In the result, the Crl.M.C. is allowed and the proceedings in C.C.No.243 of 2019 on the files of the Court of the Judicial Magistrate of First Class - III, Thrissur are quashed. Sd/- P.B.SURESH KUMAR, JUDGE YKB Crl.M.C. No.9265 of 2019 5 APPENDIX PETITIONER'S/S EXHIBITS: ANNEXURE A1 THE CERTIFIED COPY OF THE COMPLAINT FILED BY THE RESPONDENT J.F.C. M III, THRISSUR DATED 27.3.2019.

ANNEXURE A2 THE CERTIFIED COPY OF THE ORDER

J.F.C.M.III THRISSUR DATED 30.3.2019. ANNEXURE A3 THE TRUE COPY OF SETTLEMENT DATED 12.10.2019. RESPONDENT'S/S EXHIBITS: NIL //TRUE COPY// PA TO JUDGE

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