
(2012) 08 KL CK 0138

In the High Court Of Kerala

Case No : Criminal MC. No. 2097 of 2012 (B)

Anil Kumar Y Das, Rajamma, Sunil Kumar and Sanil Kumar	APPELLANT
Vs	
State of Kerala and Syamanthakom	RESPONDENT

Date of Decision : 06-08-2012

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482

Citation : (2012) 08 KL CK 0138

Hon'ble Judges : S.S. Satheesachandran, J

Bench : Single Bench

Advocate : Johnson Gomez, for the Appellant; R. Ranjith, Public Prosecutor R1 and Sri. S. Biju (Kizhakkanela), R2, for the Respondent

Judgement

S.S. Satheesachandran, J.—Read order dated 08.06.2012, by which parties have been directed to appear before the Magistrate and move a joint application to have an enquiry on the settlement purported to have been effected by them. The Magistrate was directed to conduct an enquiry whether the second respondent has voluntarily settled the matter with the petitioners/accused. Report received from the Magistrate, after conducting such enquiry, reveals that on free consent and voluntarily the second respondent/de facto complainant has settled all disputes connected with the case with the petitioners/accused. The case has arisen from the matrimonial disputes between the second respondent/de facto complainant and her husband, which led to prosecution proceedings against his relatives as well apart from him. Having regard to the nature of the offence imputed against the petitioners/accused which has arisen from the matrimonial disputes of the spouses, and taking note of the settlement effected by the parties, I find further criminal proceedings against the petitioners/accused may not be conducive to justice.

2. The offence imputed against the petitioners could be treated as personal, and not affecting the public at large. Further more in view of the settlement effected by the parties successful prosecution of the petitioners may not be possible.

Considering those aspects also, the criminal proceedings against the petitioners/ accused in C.C. No. 715/2012 on the file of the Judicial Magistrate Court-I, Kollam, are quashed invoking the inherent jurisdiction of this court u/s 482 of the Code of Criminal Procedure.

Crl. M. C. is disposed of.