

(2010) 11 KL CK 0101

In the High Court Of Kerala

Case No : Criminal MC. No. 4539 of 2010

Depak Alex Panicker, Alexander Panicker and Sossan Panicker

APPELLANT

Vs

State of Kerala and Anila Varghese

RESPONDENT

Date of Decision : 25-11-2010

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Penal Code, 1860 (IPC) — Section 34, 498A

Citation : (2010) 11 KL CK 0101

Hon'ble Judges : M. Sasidharan Nambiar, J

Bench : Single Bench

Advocate : Manoj Ramaswamy, for the Appellant; T.M. Jafarkhan, for the Respondent

Final Decision : Allowed

Judgement

M. Sasidharan Nambiar, J.—Petitioners are the accused and second Respondent the de facto complainant in C.C.748/2010 on the file of Judicial First Class Magistrate , Punalur taken cognizance for the offence u/s 498A read with Section 34 of Indian Penal Code on Annexure A2 F.I.R. First Petitioner is the husband and second Respondent the wife. Petition is filed u/s 482 of Code of Criminal Procedure to quash the proceedings contending that entire matrimonial disputes were settled amicably and consequent to the settlement, it is not in the interest of justice to continue the prosecution.

2. Second Respondent appeared through a counsel and filed a joint petition along with the Petitioners stating that second Respondent has settled all the matrimonial disputes amicably and consequent to the settlement she has no objection for quashing the proceedings and therefore the cognizance taken is to be quashed.

3. Learned Counsel appearing for the Petitioners, second Respondent and learned Public Prosecutor were heard.

4. As declared by the Apex Court in B.S. Joshi and Others Vs. State of Haryana and Another, when matrimonial disputes are settled amicably, it is not in the interest of justice to stand on technicalities and continue the prosecution. Joint petition filed by second Respondent along with the Petitioners establish that second Respondent has settled all the matrimonial disputes. In such circumstances, it is not in the interest of justice to continue the prosecution.

Petition is allowed. C.C. No. 748/2010 on the file of Judicial First Class Magistrate Court-I, Punalur is quashed.