

(2011) 05 KL CK 0176

In the High Court Of Kerala

Case No : Criminal M.C. No. 699 of 2011

Nishal Chandra Mohan, Mani Mohan, Dr. Deepak and Chandra Mohan Nayar

APPELLANT

Vs

State of Kerala and Kavya Madhavan

RESPONDENT

Date of Decision : 25-05-2011

Acts Referred:

Penal Code, 1860 (IPC) — Section 34, 498A

Citation : (2011) 05 KL CK 0176

Hon'ble Judges : Thomas P. Joseph, J

Bench : Single Bench

Advocate : B. Raman Pillai, for the Appellant; A.V. Thomas, for the Respondent

Judgement

Thomas P. Joseph, J.—Petitioners are accused 1 to 4 in Crime No. 1368 of 2010 of Palarivattom Police Station for offence punishable u/s 498A read with Section 34 of the Indian Penal Code. That case was registered on a complaint preferred by the second Respondent, wife of first Petitioner alleging that Petitioners subjected her to cruelty. Petitioners request this Court to quash proceedings against them on the strength of a settlement reached with the second Respondent. I have heard learned Counsel for Petitioners, second Respondent and the learned Public Prosecutor.

2. Annexure-B is the joint petition for divorce filed by first Petitioner and second Respondent in the Family Court, Ernakulam. Annexures-C and C1 are the withdrawal petitions in O.P. Nos. 1284 and 1295 of 2010 (pursuant to the settlement with the Petitioners). Annexure-D is the order dated October 23, 2010 passed by the learned Judicial First Class Magistrate-I, Ernakulam as per which M.C. No. 21 of 2010 filed by second Respondent under provisions of the Protection of Women from Domestic Violence Act was dismissed as withdrawn pursuant to the settlement reached with Petitioners.

3. Joint petition filed by the first Petitioner and second Respondent came up for hearing in the Family Court, Ernakulam this day. Counsel on both sides submitted

that parties had a counselling before the Counselor of the Family Court and it was decided by the parties that they would separate and proceed with the joint petition. Accordingly the second Respondent has filed an affidavit where it is stated that she had agreed that Crime No. 1368 of 2010 referred to above against Petitioners is also settled and she has no objection in allowing this CrI. M.C filed by the Petitioners.

4. It is seen that the dispute between the parties has been amicably settled outside court and as part of the settlement second Respondent has agreed that she has no grievance against Petitioners so far as the allegations made in Crime No. 1368 of 2010 are concerned. Offence alleged is u/s 498A of the IPC read with Section 34 which is personal to and between Petitioners and second Respondent. The dispute having been amicably settled outside court it is not necessary to continue the proceeding against Petitioners, in Crime No. 1368 of 2011 investigation of which was stayed by this Court as per order dated March 09, 2011.

Resultantly, Criminal Miscellaneous Case is allowed. Annexure-I, FIR in Crime No. 1368 of 2010 of Palarivattom Police Station and all proceedings taken pursuant to the registration of the case against Petitioners are quashed.