

(2013) 01 KL CK 0052

In the High Court Of Kerala

Case No : Criminal M.C. No. 3864 of 2012

Rajesh Panicker, Viswanatha Panicker and Maniyamma

APPELLANT

Vs

Lathi and State of Kerala

RESPONDENT

Date of Decision : 03-01-2013

Acts Referred:

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

Citation : (2013) 01 KL CK 0052

Hon'ble Judges : T.R. Ramachandran Nair, J

Bench : Single Bench

Advocate : K. Siju and Smt. Chithra. S. Babu, for State, for the Appellant; A. Muhammed Raffi, for R1 and Smt. V.H. Jasmine Public Prosecutor for R2, for the Respondent

Final Decision : Allowed

Judgement

T.R. Ramachandran Nair, J.—The prayer made in this CrI. M.C. is to quash the First Information Report and the Final Report in Crime No. 176/2009 of Kundara Police Station and the proceedings in C.C. No. 925/2009 on the file of the Judicial First Class Magistrate Court-I, Kollam. The offences alleged are under Sections 498A and 34 of Indian Penal Code. The 1st petitioner is the husband of the 1st respondent herein who is also appearing through counsel. Annexure 1 is a copy of the First Information Report and First Information Statement in Crime No. 176/2009 of Kundara Police Station. Annexure 2 is a copy of the Final Report submitted before the court below.

2. The details pleaded in the CrI. M.C. show that the marriage was on 15.04.2001. The complaint was that the de facto complainant was deserted along with her seven year old daughter by the 1st petitioner. It is stated in paragraph 4 that all the existing matrimonial disputes between the parties have been settled amicably and they are living together in the house of the 1st respondent in Perinad Village in Kollam District. In the light of the settlement

between the parties, I am of the view that this is a fit case wherein the jurisdiction of this Court u/s 482 Cr. P.C. can be exercised in the light of the decision of the Apex Court in Gian Singh Vs. State of Punjab and Another, . The criminal case was evidently filed because of the matrimonial dispute between the parties and in the light of the settlement and also in the light of the subsequent development that they have joined together to lead a normal life, nothing prevents this Court from exercising the jurisdiction u/s 482 Cr. P.C.

The Crl. M.C. is allowed and the proceedings in C.C. No. 925/2009 on the file of the Judicial First Class Magistrate Court-I, Kollam will stand quashed.