
(2010) 11 KL CK 0091
In the High Court Of Kerala
Case No : Criminal MC. No. 4655 of 2010

Rajesh V.R.

APPELLANT

Vs

State of Kerala and Ranjitha C.S.

RESPONDENT

Date of Decision : 26-11-2010

Acts Referred:

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

Citation : (2010) 11 KL CK 0091

Hon'ble Judges : M. Sasidharan Nambiar, J

Bench : Single Bench

Advocate : S. Rajeev, for the Appellant; No Appearance, for the Respondent

Final Decision : Allowed

Judgement

M. Sasidharan Nambiar, J.—Petitioner, the husband and second Respondent, the wife, are the accused and the de facto complainant respectively in C.C. No. 4057/2010 on the file of Judicial First Class Magistrate's Court, Irinjalakuda, taken cognizance for the offence u/s 498A of Indian Penal Code on Annexure-III final report. This 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 an affidavit stating that entire matrimonial disputes were settled amicably, along with the other cases pending and consequent to the settlement, it is not in the interest of justice to continue the prosecution.

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

4. As held by the Apex Court in B.S. Joshi and Others Vs. State of Haryana and Another, ,when the matrimonial disputes are settled amicably, it is not in the

interest of justice to stand on technicalities and continue the prosecution. The affidavit filed by the second Respondent wife establishes that she has settled all the matrimonial disputes with the Petitioner. In such circumstances, it is not in the interest of justice to continue the prosecution.

Petition is allowed C.C. No. 4057/2010 on the file of Judicial First Class Magistrate's Court, Irinjalakuda is quashed.