
(2013) 01 KL CK 0134
In the High Court Of Kerala
Case No : Crl. M.C. No. 142 of 2013

Sainuddeen

APPELLANT

Vs

State of Kerala and Hafsath

RESPONDENT

Date of Decision : 07-01-2013

Acts Referred:

Citation : (2013) 01 KL CK 0134

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

Bench : Single Bench

Judgement

T.R. Ramachandran Nair, J.—In this Crl. M.C. the prayer is to quash the proceedings in C.C. No. 872/2008 on the file of the Judicial First Class Magistrate Court, Tirur. Mainly it is a case where the complaint was one alleging offence u/s 498A of the Indian Penal Code. Heard the learned counsel for the petitioner, learned counsel appearing for the 2nd respondent and the learned Public Prosecutor.

2. Annexure-A3 is a copy of the final report filed by the Police in the matter. It is stated that even before the filing of the final report, the elders from both the families have interfered and the entire disputes were settled, as the marital the hardly lasted for two days. On the basis of the settlement, the marital the was severed and all the benefits payable to the divorced wife was paid by the petitioner and has been received by the 2nd respondent. It is also stated in paragraph 4 that both the parties have remarried after the divorce and are leading a happy married life and they do not want to proceed with the criminal case.

3. Annexure-A4 is the affidavit filed by the 2nd respondent. In the said affidavit, it is stated that there is no subsisting grievance against the former husband and if the criminal case is proceeded with, that will create ruptures in the family relationship of the 2nd respondent and her former husband. Accordingly, she also prays that the entire proceedings has to be terminated. Having heard both parties, I am satisfied that this is a fit case where 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, and other cases. It is purely because of the matrimonial dispute that the criminal case has been filed and since the entire disputes have been settled, there will not be any purpose in prosecuting the case. The Crl. M.C. is allowed and the proceedings in C.C. No. 872/2008 on the file of the Judicial First Class Magistrate Court, Tirur will stand quashed.