

(2010) 11 KL CK 0102
In the High Court Of Kerala
Case No : Criminal MC. No. 4638 of 2010

Sajith	Vs	APPELLANT
M.G. Jini and State of Kerala		RESPONDENT

Date of Decision : 25-11-2010

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Penal Code, 1860 (IPC) — Section 34, 498A, 506, 506(1)

Citation : (2010) 11 KL CK 0102

Hon'ble Judges : M. Sasidharan Nambiar, J

Bench : Single Bench

Advocate : P. Santhosh, for the Appellant; M. Revikrishnan, for the Respondent

Final Decision : Allowed

Judgement

M. Sasidharan Nambiar, J.—Petitioner is the accused and first Respondent the de facto complainant in C.C.4967/2010 on the file of Judicial First Class Magistrate Court, Irinjalakuda taken cognizance for the offence under Sections 498A and 506(i) read with Section 34 of Indian Penal Code on Annexure B final report. Petition is filed u/s 482 of Code of Criminal Procedure to quash the proceedings contending that entire disputes were settled amicably and consequent to the settlement, it is not in the interest of justice to continue the prosecution.

2. First Respondent appeared through a counsel and filed an affidavit stating that entire matrimonial disputes were settled amicably and consequent to the settlement, it is not in the interest of justice to continue the prosecution.

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

4. Petitioner and first Respondent are husband and wife. The affidavit filed by first Respondent establishes that entire matrimonial disputes were settled amicably. An offence u/s 506(1) of Indian Penal Code is compoundable. As held 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 continue the prosecution.

Petition is allowed. C.C. 4967/2010 on the file of Judicial First Class Magistrate Court, Irinjalakuda is quashed.