
(2011) 05 KL CK 0054

In the High Court Of Kerala

Case No : Criminal MC. No. 1543 of 2011

Sameer K.T., P. Shahul Hameed, Beefathu K.T. and Sameeha K.T.

APPELLANT

Vs

Naseeha P.V. and State of Kerala

RESPONDENT

Date of Decision : 30-05-2011

Acts Referred:

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

Citation : (2011) 05 KL CK 0054

Hon'ble Judges : Thomas P. Joseph, J

Bench : Single Bench

Advocate : Zubair Pulikkool, for the Appellant; Bindu George, for the Respondent

Final Decision : Allowed

Judgement

Thomas P. Joseph, J.—Petitioners are accused in C.C. No. 76 of 2009 of the Court of learned Judicial First Class Magistrate-I, Payyannur arising from a private complaint filed by the first Respondent for offence punishable u/s 498A r/w Section 34 of the Indian Penal Code. The allegation is that Petitioners subjected the first Respondent to cruelty. Evidence of first Respondent and witnesses was taken and the case was posted for hearing. At that stage, there was an application by the Petitioners u/s 311 of the Code of Criminal Procedure which was dismissed. It is submitted that following that, parties have settled the dispute. Based on that settlement, Petitioners request this Court to quash proceeding against them. I have heard learned Counsel for Petitioners, first Respondent and the learned Public Prosecutor. learned Counsel for Petitioners and first Respondent confirmed the settlement between Petitioners and first Respondent. learned Counsel for first Respondent also confirmed authenticity and genuineness of the affidavit sworn by the first Respondent where it is stated that since the dispute is settled and first Respondent has received compensation, she is not interested in proceeding with the case. She has no objection in quashing the proceeding and exonerating Petitioners. learned Counsel for Petitioners

submit that as per settlement, first Respondent has been divorced by the first Petitioner. Since the dispute is personal to and between the parties and since that dispute is settled I am inclined to think that it is not necessary to proceed with the case against Petitioners. Hence I am inclined to allow this petition.

Resultantly this criminal miscellaneous case is allowed. Proceeding against Petitioners in C.C. No. 76 of 2009 of the Court of learned Judicial First Class Magistrate-I, Payyannur are quashed.