
(2021) 12 KL CK 0119

In the High Court Of Kerala

Case No : Criminal Miscellaneous Petition No. 5984 Of 2021

Sreekumar

APPELLANT

Vs

State Of Kerala

RESPONDENT

Date of Decision : 15-12-2021

Acts Referred:

Hindu Marriage Act, 1955 — Section 13(B)
Indian Penal Code, 1860 — Section 34, 498A

Citation : (2021) 12 KL CK 0119

Hon'ble Judges : M.R.Anitha, J

Bench : Single Bench

Advocate : P.K.Priya, N.P.Asha, Renjit George

Final Decision : Allowed

Judgement

M.R.Anitha, J

1. This CrI.M.C. has been filed seeking to quash the entire further proceedings against the petitioner/accused in crime No.1384/2017 of Ollur Police Station, registered for the offence punishable u/s.498-A r/w.34 IPC, which is now pending as C.C.No.508/2019 on the file of Additional Chief Judicial Magistrate Court, Thrissur.

2. Petitioner was the husband of the defacto complainant - 2nd respondent.

3. According to the petitioner, the entire issues with the defacto complainant - 2nd respondent have been settled amicably out of court and both of them separated also.

4. Annexure A1 is the copy of FIR; Annexure A2 is the Final Report in the above crime; Annexure A3 is the order in O.P.No.1044/2018 on the file of Family Court, Thrissur and Annexure A4 is the affidavit duly sworn in by the 2nd respondent - defacto complainant stating about the settlement of dispute.

5. Adv.Smt. N.P. Asha appeared on behalf of the second respondent - defacto

complainant and reports about the settlement arrived at between the parties.

6. Learned Public Prosecutor produced copy of the report of the Sub Inspector of Police, Ollur Police Station along with copy of the statement of the defacto complainant, which was recorded over phone by the GASI, Ollur Police Station.

7. It has come out from Annexure A3 order in O.P.No.1044/2018 (petition filed by the petitioner and 2nd respondent) that a decree of divorce on mutual consent was granted under Section 13(B) of the Hindu Marriage Act. Annexure A4 affidavit duly sworn in by the defacto complainant as well as the statement of the defacto complainant given to the SHO would show that she does not want to prosecute the matter further against the petitioner and has no objection in quashing the proceedings against the petitioner.

8. The entire issues between the parties are purely private in nature and no public interest is involved. Since the entire issues between the parties have been settled out of court and now they are living separate, continuation of the proceedings against the petitioner would be an empty formality without anything achieved positively in the end. In such situations this Court can exercise the inherent powers vested with the court to save the valuable time of court as well as to prevent abuse of process of courts. (See: Gian Singh v. State of Punjab [2012 (4) KLT 108 (SC)]; Madan Mohan Abbot v. State of Punjab [2008 (3) KLT 19 (SC)] and Narinder Singh & Ors. v. State of Punjab & Anr. [2014(4) SCALE 195 : ILR 2014 (2) Ker. 85 : 2014 KHC 4195].

In the result, CrI.M.C allowed and the entire proceedings against the petitioner/accused in crime No.1384/2017 of Ollur Police Station, which is now pending as C.C.No.508/2019 on the file of Additional Chief Judicial Magistrate Court, Thrissur, is hereby quashed.

Accordingly, the judgment is modified and Registry is directed to issue orders as per the modified judgment.