
(2010) 11 KL CK 0260
In the High Court Of Kerala
Case No : Criminal M.C. No. 4670 of 2010

Vimal Abdul Salam and K.A. Raziya

APPELLANT

Vs

State and Femia

RESPONDENT

Date of Decision : 29-11-2010

Acts Referred:

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

Citation : (2010) 11 KL CK 0260

Hon'ble Judges : M. Sasidharan Nambiar, J

Bench : Single Bench

Advocate : M. Shaju Purushothaman, for the Appellant; K.R. Bindi, for the Respondent

Final Decision : Allowed

Judgement

M. Sasidharan Nambiar, J.—Petitioners are the accused and second Respondent, the defacto complainant in C.C. No. 584/2009 on the file of Judicial First Class Magistrate's Court-I, Aluva, taken cognizance for the offence u/s 498A of Indian Penal Code on Annexure-A final report. First Petitioner is the husband and second Respondent, the wife. Second Petitioner is the mother of the first Petitioner. This petition is filed u/s 482 of Code of Criminal Procedure to quash the proceedings contending that entire matrimonial disputes were settled amicably in an Adalath conducted by Family Court, Thrissur 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 before Family Court, Thrissur in an Adalath and recording the settlement, an award was passed by the Family Court on 12.5.2010 and consequent to the settlement, she has no subsisting grievance against the Petitioners and therefore, the proceedings is to be quashed.

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. 584/2009 on the file of Judicial First Class Magistrate's Court-I, Aluva is quashed.