

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V
TUESDAY, THE 21ST DAY OF JULY 2015/30TH ASHADHA, 1937

CrI.MC.No. 1599 of 2013

CC 229/2010 of J.M.F.C.-I, MAVELIKKARA

PETITIONER/ACCUSED:

UNNIKRISHNAN, AGED 39 YEARS
S/O.PADMANABHAN, KARAVALLITHARA VEEDU
KAITHAVADAKKU MURI, KANNAMANGALAM VILLAGE
ALAPPUZHA DISTRICT.

BY ADVS.SRI.E.G.GORDEN
SRI.OOMMEN GEORGE

RESPONDENTS/STATE & DE-FACTO COMPLAINANT:

1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, PIN-682031.

2. AMBILIKUMARI
D/O.CHELLAPPAN, PUTHENPURATHEKKETHIL
KOIPPALLI-KARAZHMA MURI, MAVELIKKARA THALUK,
PIN-690106.

BY PUBLIC PROSECUTOR SRI. N.SURESH

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 21-
07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

CrI.MC.No. 1599 of 2013

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE A1: TRUE COPY OF THE JOINT COMPROMISE PETITION DT.18-12-2009 FILED IN MC 48/2009 OF JFCM-1 MAVELIKKARA.

ANNEXURE A2: TRUE COPY OF ORDER DT.18-12-2009 IN MC 48/2009 OF JFCM-I MAVELIKKARA.

ANNEXURE A3: THE COPY OF JUDGMENT DT.3-8-2010 IN OPHMA 1184/2009 OF THE FAMILY COURT, ALAPPUZHA.

ANNEXURE A4: TRUE COPY OF JUDGMENT DT.27-5-2010 IN CC 470/2009 OF JFCM-1 MAVELIKKARA.

TRUE COPY

P.S TO JUDGE

RAJA VIJAYARAGHAVAN.V. J

Crl.M.C. 1599 of 2013

Dated 21st July, 2015

ORDER

This is a petition filed u/s 482 of the Code of Criminal Procedure.

2. The petitioner is the accused in C.C.No.229 of 2010 on the files of the Judicial Magistrate of First Class-I, Mavelikkara. He is proceeded against in that case for having committed offence punishable u/s 498A of the IPC. The 2nd respondent in this case was his wife. The prayer in this case is to quash all further proceedings in the above case on the ground that the matter has been settled between the parties.

3. Originally the case was charge sheeted against six accused by the Sub Inspector of police, Mavelikkara, for having committed offence u/s 498A of the IPC and the same was pending as C.C.470 of 2009 on the files of the

Judicial Magistrate of First Class, Mavelikkara. Since the petitioner was working abroad, he did not appear before the learned Magistrate and hence, the case against him was split up. As per judgment dated 27.5.2010, accused Nos. 2 to 6 were found not guilty and were acquitted u/s 248(1) of the Cr.P.C.

3. During the pendency of the case, the matter was settled between the parties. Annexure-A1 is the settlement deed entered into in M.C.48 of 2009 preferred by the 2nd respondent against the petitioner. Annexure-A2 is the order in M.C.48 of 2009 which reveals that the matter was settled on the strength of a compromise entered into between the parties. Annexure-A3 is the judgment dated 3.8.2010 of the Family Court, Alappuzha as per which the marriage between the petitioner and the 2nd respondent was dissolved u/s 13B of the Hindu Marriage Act. Annexure-A4 is the judgment in C.C.470 of 2009 on the file of the Judicial magistrate of First Class, Mavelikkara from which it is revealed that the

2nd respondent had turned hostile and had stated before Court that she was not subjected to cruelty or harassment for or in connection with demand for dowry. The learned Magistrate has acquitted the accused u/s 248(1) of the Cr.P.C after finding that the de facto complainant who is the 2nd respondent herein has settled the dispute with the accused.

4. I have heard the learned counsel for the petitioner as well as the learned Public Prosecutor.

5. I have anxiously perused the judgment rendered by the learned Magistrate In C.C.470 of 2009. Accused Nos. 2 to 6 were acquitted in the said case, since PW1 in the said case, who is none other than the 2nd respondent herein, had turned hostile and stated that she was not subjected to cruelty or harassment for or in connection with any demand for dowry.

6. In view of the above , it is felt that no purpose will be

served in subjecting the parties to the ordeal of a protracted trial in view of the settlement. It will only enure to waste valuable judicial hours. I am, therefore, of the view that the criminal proceedings pending as against the petitioner can be quashed by invoking the inherent powers of this Court under S. 482 of the Code of Criminal Procedure.

8. In the result, this Crl.M.C. is allowed. The final report in C.C. No.229 of 2010 on the files of the Judicial First Class Magistrates Court-1, Mavelikkara and all further proceedings in the said case are quashed.

Sd/-
RAJA VIJAYARAGHAVAN.V.
Judge

MrCs

//True Copy//

P.S.ToJudge