

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE SUNIL THOMAS

MONDAY, THE 9TH DAY OF NOVEMBER 2015/18TH KARTHIKA, 1937

Crl.MC.No. 7120 of 2015 ()

AGAINST THE ORDER/JUDGMENT IN CC 274/2015 of JUDICIAL FIRST CLASS
MAGISTRATE COURT, TRIPUNITHURA
CRIME NO. 1488/2010 OF HILL PALACE POLICE STATION , ERNAKULAM

PETITIONERS/ACCUSED 1 TO 6:

1. SANTHOSH AGED 34 YEARS
S/O.SUBRAMANIAN, VELIPARAMBIL HOUSE, SNDP JUNCTION
KUMBALANGHI, ERNAKULAM DISTRICT.

2. DILEEP AGED 38 YEARS
S/O.SUBRAMANIAN, VELIPARAMBIL HOUSE, SNDP JUNCTION
KUMBALANGHI, ERNAKULAM DISTRICT.

3. SUBRAMANIAN AGED 69 YEARS
F/O.SANTHOSH, VELIPARAMBIL HOUSE, SNDP JUNCTION
KUMBALANGHI, ERNAKULAM DISTRICT.

4. CHANDRAMATHI AGED 64 YEARS
W/O.SUBRAMANIAN, VELIPARAMBIL HOUSE, SNDP JUNCTION
KUMBALANGHI, ERNAKULAM DISTRICT.

5. LATHIKA AGED 40 YEARS
D/O.SUBRAMANIAN, W/O.HAPPYRAJ, KATTUKARA HOUSE
NAYARAMBALAM, ERNAKULAM DISTRICT.

6. REMYA AGED 33 YEARS
W/O.DILEEP, VELIPARAMBIL HOUSE, SNDP JUNCTION
KUMBALANGHI, ERNAKULAM DISTRICT.

BY ADVS.SRI.C.A.CHACKO
SMT.C.M.CHARISMA
SMT.MEGHA K.XAVIER

RESPONDENTS/COMPLAINANT & DE FACTO COMPLAINANT:

1. STATE OF KERALA
REPRESENTING SUB INSPECTOR OF POLICE
HILL PALACE POLICE STATION
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.

2. HARITHA, AGED 27 YEARS
D/O.RAJAN, PULICKAPARAMBIL HOUSE, NEAR SVLPS
THEKKUMBHAGOM, THRIPIUNITHURA.

R2 BY SRI.N.RATHEESH

R1 BY PUBLIC PROSECUTOR: SMT MADHUBON M

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 09-11-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:

APPENDIX

PETITIONER(S) ' EXHIBITS:

ANNEXURE A1- TRUE COPY OF FIR DATED 6.8.2010 IN CRIME NO.1488/2010 OF HILL PALACE POLICE STATION.

ANNEXURE A2- CERTIFIED COPY FINAL REPORT DATED 1.10.10 IN CRIME NO.1488/2010 OF HILL PALACE POLICE STATION.

ANNEXURE A3- AFFIDAVIT DATED 15.10.2015 OF 2ND RESPONDENT.

RESPONDENT(S) ' EXHIBITS:

True Copy /

P.A to Judge

SUNIL THOMAS, J.

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Crl.M.C.No.7120 of 2015
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Dated this the 9th day of November, 2015

ORDER

Petitioners are accused Nos.1 to 6 in C.C.No.274 of 2015 pending before the Judicial First Class Magistrate Court, Tripunithura for offence punishable under Section 498A r/w Section 34 of the IPC.

2. The allegation was that the first petitioner had married the second respondent on 31.08.2009 and a child was born out of the wedlock. Thereafter, matrimonial disputes arose leading to the institution of O.P.No.2054 of 2005 before the Family Court for divorce on mutual consent. The present prosecution was initiated on the basis of a police charged case. After investigation, final report was laid. This Crl.M.C. is filed to quash the proceedings.

3. When the matter was taken up, second respondent voluntarily appeared and submitted that the matter has been settled amicably between the parties. An affidavit dated 15.10.2015 sworn by the second respondent has also been incorporated. Both sides submitted that parties have agreed to settle all the disputes and a compromise petition dated 27.10.2015 incorporating all terms and conditions in relation to the matrimonial disputes have been filed

before the Family Court, Ernakulam. It is recorded.

4. Evidently, this is a dispute arising out of a matrimonial dispute. The Honourable Supreme Court has consistently reiterated that the Court should facilitate settlement of disputes arising out of matrimonial discord. No public interest is involved in this case. Hence, I am inclined to allow this petition and to quash all proceedings in C.C.No.274 of 2015.

In the result, Crl.M.C. is allowed. Entire proceedings in C.C.No.274 of 2015 stands quashed.

Sd/-
SUNIL THOMAS
Judge

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