

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 7TH DAY OF JANUARY 2015/17TH POUSHA, 1936

OP(Crl.).No. 211 of 2014 (Q)

CC 165/2012 of JUDICIAL FIRST CLASS MAGISTRATE COURT-I, VARKALA

PETITIONER:

**SIMI, AGED 29 YEARS
D/O REMA, NANDANAM, MANNATHIMOOLA
KADAKKAVOOR-695306**

**BY ADVS.SRI.T.M.ABDUL LATHEEF
SRI.A.MOHAMED RASHEED**

RESPONDENTS:

**1. JAYASINGH
S/O NARAYANAN, KATTILVEEDU 1, KULAMUTTOM P.O
MANAMBOOR-695146**

**2. THE STATE OF KERALA
REPRESENTED THROUGH THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM**

**R1 BY ADV. SRI.P.M.HABEEB
R2 BY PUBLIC PROSECUTOR SMT. P. MAYA**

**THIS OP (CRIMINAL) HAVING COME UP FOR ADMISSION ON 07-01-2015, THE COURT
ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS

- EXHIBIT P1** TRUE COPY OF THE FIRST INFORMATION REPORT NO 797 OF 2011
DATED 01-11-2011 OF KADAKKAVOOR POLICE STATION ALONG WITH
THE STATEMENT
- EXHIBIT P2** TRUE COPY OF THE SETTLEMENT REACHED BETWEEN THE PARTIES
DATED 31-01-2014 IN OP NO 2068 OF 2013 OF FAMILY COURT,
ATTINGAL
- EXHIBIT P3** TRUE COPY OF THE OP NO 115 OF 2014 DATED 01-02-2014 FILED BY
THE RESPONDENT BEFORE THE FAMILY COURT, ATTINGAL
- EXHIBIT P4** TRUE COPY OF THE PETITION DATED 12-08-2014 FILED BY THE
PETITIONER BEFORE THE SUB INSECOTR OF POLICE,
KADAKKAVOOR IN CRIME NO 797 OF 2011

RESPONDENTS' EXHIBITS

NIL

// TRUE COPY // P.A. TO JUDGE

SD

P. UBAID, J.

O.P.(CrI) No. 211 of 2014

Dated this the 7th day of January, 2015

JUDGMENT

The petitioner herein is the defacto complainant in C.C.No.165/2012 of the Judicial First Class Magistrate Court-I, Varkala, which is a prosecution brought under Section 498 A IPC. During the pendency of some family court proceedings, the parties came to terms, and accordingly, both sides agreed for divorce by mutual consent under Section 13B of the Hindu Marriage Act. The criminal prosecution was also settled, and intimation was accordingly given to the police during investigation. However, the police submitted final report in court. The parties can obtain divorce by mutual consent as agreed by them only when the prosecution under Section 498A is closed. The wife, accordingly, seeks orders for expeditious disposal of the case. The 1st respondent herein is her husband. The learned counsel for the 1st respondent submits that the prosecution will have to be quashed in the interest of both the parties, in view of the amicable settlement of the whole matrimonial dispute made

by them. I am well satisfied that there is a real and genuine settlement between the parties, and that in the interest of both the parties for resolution of the whole dispute, the said prosecution will have to be quashed.

Though this is a proceeding brought for appropriate direction to the court below under Article 227 of the Constitution of India, now both sides submit that the prosecution as such can be quashed by this Court, and both sides make a request to treat this petition as one for relief under Section 482 Cr.P.C. In the interest of both the parties and in the broader interest of justice the request made by the parties is accepted and allowed, and orders are passed under Section 482 Cr.P.C.

In the result, the prosecution against the 1st respondent herein in C.C.No.165/2012 of the Judicial First Class Magistrate Court-I, Varkala, will stand quashed.

Sd/-

P. UBAID, JUDGE

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