IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE V.G.ARUN

FRIDAY, THE 11TH DAY OF DECEMBER 2020 / 20TH AGRAHAYANA, 1942

Crl.MC.No.5200 OF 2020(H)

AGAINST THE JUDGMENT IN C.C.NO.597/2017 ON THE FILES OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT-VIII, ERNAKULAM

CRIME NO.42/2013 OF Kadavanthra Police Station , Ernakulam

PETITIONER/ACCUSED:

PRAVEEN KUMAR
AGED 43 YEARS
S/O. PADMANABHA PILLAI, SUDHARSHANAN, MAYITHARA MARKET P.O., CHERTHALA, PIN CODE-688 539.

BY ADVS.
SRI.K.C.ELDHO
SMT.KRISHNA SANTHOSH
SRI.MALLENATHAN.M.

RESPONDENT/STATE AND DE FACTO COMPLAINANT:

1 **THE STATE OF KERALA**
REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM, COCHIN-682 011.

2 **RESHMI**
AGED 40 YEARS
D/O. KRISHNAN, PALAPARAMBIL HOUSE, KUMARANASHAN NAGAR, ELAMKULAM VILLAGE KADAVANTHARA NOW RESIDING AT THEKKEPPARAMBIL HOSUE, ELAMKULAM VILLAGE, KADAVANTHRA, PIN-682 017.

R2 BY ADV. SRI.SAIBY JOSE KIDANGOOR

OTHER PRESENT:

SR.PP.B.JAYASURYA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 11.12.2020, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER

Dated this the 11th day of December 2020

Petitioner is the accused in Crime No.42/2013 registered at the Kadavanthra Police Station, for the offence punishable under Section 498-A of IPC, now pending as C.C.No.597/2017 on the files of the Judicial First Class Magistrate Court-VIII, Ernakulam. The *de facto* complainant, at whose instance the crime was registered, is the petitioner's wife and is arrayed as the 2nd respondent herein. Annexure-A4 affidavit has been filed by the 2nd respondent stating that the matrimonial dispute, which had compelled her to submit the complaint leading to registration of the crime, has been resolved amicably as per the compromise filed before the Family Court, Ernakulam and hence, she

has no subsisting grievance against the petitioner.

2. Heard the learned Public Prosecutor also, who, on instructions, submits that the petitioner has no criminal antecedents.

3. Having considered the gravity of the offences alleged, nature of the injury caused and having perused the affidavit filed by the 2nd respondent, the contents of which are submitted to be true and voluntary, I am satisfied that the dispute is settled and no public interest is involved in this matter. Moreover, in view of the settlement, possibility of the criminal proceedings ending in conviction is remote. As such, continuance of the proceedings will amount to an abuse of process of court and hence, in view of the legal position set out by the Honourable Supreme Court in ***Madan Mohan Abbot v. State of Punjab*** [(2008) 4 SCC 582] and ***Gian Singh v.***

State of Punjab and another [(2012) 10 SCC 303], there is no impediment in granting the relief sought.

In the result, this Crl.M.C is allowed. The proceedings in C.C.No.597/2017 on the files of the Judicial First Class Magistrate Court-VIII, Ernakulam is quashed.

Sd/-
V.G.ARUN
JUDGE

SB/11/12/2020

APPENDIX

PETITIONER'S/S EXHIBITS:

ANNEXURE A1	**CERTIFIED COPY OF THE FIR IN CRIME NO.42 OF 2013 OF KADAVANTHRA POLICE STATION.**
ANNEXURE A2	**CERTIFIED COPY OF THE FINAL REPORT IN 42 OF 2013 OF KADAVANTHRA POLICE ON THE FILE OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT NO.VIII, ERNAKULAM.**
ANNEXURE A3	**TRUE COPY OF THE COMPROMISE PETITION FILED BEFORE THE FAMILAY COURT, ERNAKULAM.**
ANNEXURE A4	**AFFIDAVIT SWORN BY THE 2ND RESPONDENT DATED 26.8.2020.**

//true copy// P.A to Judge