

Kerala High Court

Anitha vs P.K.Rajeevan on 13 September, 2010

IN THE HIGH COURT OF KERALA AT ERNAKULAM

Crl.MC.No. 3761 of 2010()

1. ANITHA, AGED YEARS, D/O. P.K, KRISHNAN,
... Petitioner

Vs

1. P.K.RAJEEVAN, AGED YEARS,
... Respondent

2. STATE OF KERALA, REPRESENTED BY STATION

For Petitioner : SRI.MANJERI SUNDERRAJ

For Respondent : No Appearance

The Hon'ble MR. Justice M.SASIDHARAN NAMBIAR

Dated : 13/09/2010

O R D E R

M.Sasidharan Nambiar, J.

Crl.M.C.No.3761 of 2010

ORDER

Petitioner is the defacto complainant in C.C. No.169/2009 on the file of Judicial First Class Magistrate's Court, Kunnamangalam, taken cognizance for the offences under Sections 406 and 498A read with Section 34 of Indian Penal Code. Originally, petitioner was the first accused in C.C.No. 384/2007. As petitioner was absconding, second accused was tried and by Annexure-3 judgment, second accused was acquitted. Annexure-3 judgment shows that when the second accused was tried, it was reported that matter has been settled. This petition is filed by the defacto complainant herself to quash the case now pending against her, which was refiled when the second accused was tried, contending that entire matrimonial disputes between the parties were settled amicably.

2. As held by the Apex Court in B.S.Joshi v. State of Haryana ((2003) 4 SCC 675), when the matrimonial disputes were settled amicably between husband and wife, it is not in the interest of justice to continue the prosecution.

Petition is allowed. C.C.No.169/2009 on the file of Judicial First Class Magistrate's Court, Kunnamangalam is quashed.

13th September, 2010 (M.Sasidharan Nambiar, Judge) tkv