

(2024) 12 KL CK 0019

High Court Of Kerala

Case No: Criminal Miscellaneous Petition No. 9415 Of 2024

Vaisakh

APPELLANT

Vs

State Of Kerala

RESPONDENT

Date of Decision: Dec. 5, 2024

Acts Referred:

- Bharatiya Nagarik Suraksha Sanhita, 2023 - Section 528
- Indian Penal Code, 1860 - Section 498A

Hon'ble Judges: A. Badharudeen, J

Bench: Single Bench

Advocate: Liju M.P. ,M.P.Prasanth, Vinod Kumar C.

Final Decision: Allowed

Judgement

A. Badharudeen, J

1. This Criminal Miscellaneous Case has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to quash all further

proceedings against the petitioner pursuant to Annexure 1 Final Report in Crime No.110/2023 of Valiyamala Police Station, Thiruvananthapuram, now

pending as C.C.No.809/2023 on the files of the Judicial First Class Magistrate Court-I, Nedumangad, Thiruvananthapuram. Petitioner herein is the 1st

accused in the above case.

2. Heard the learned counsel for the petitioner, the learned counsel appearing for the defacto complainant and the learned Public Prosecutor.

3. In this matter, offence punishable under Section 498A of the Indian Penal Code is alleged to have been committed by the accused and the defacto

complainant is none other than the wife of the 1st accused.

4. An affidavit sworn by the defacto complainant has been placed stating that the matter has been settled in between them and she has no grievance

in the matter of quashing the proceedings.

5. The learned Public Prosecutor also submitted that the matter has been settled between the parties and statement of the defacto complainant to that

effect has been recorded.Â

6. Since the matter has been settled, there is no reason to disallow the prayer for quashment, so as to facilitate peaceful living of the married couple.

Therefore, in the interest of justice, I am inclined to allow this petition.

In the result, this petition stands allowed. Annexure 1 Final Report in Crime No.110/2023 of Valiyamala Police Station, Thiruvananthapuram, now

pending as C.C.No.809/2023 on the files of the Judicial First Class Magistrate Court-I, Nedumangad, Thiruvananthapuram, and the proceedings

thereof as against the petitioner/1st accused stand quashed.