

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

FRIDAY, THE 27TH FEBRUARY 2009 / 8TH PHALGUNA 1930

Crl.MC.No. 821 of 2009()

CC.898/2005 of JUDL. MAGISTRATE OF FIRST CLASS COURT-II, ATTINGAL

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PETITIONER(S): A1 TO A3

1. SUDHEER, AGED 32 YRS,(A1)
S/O.MOHAMMED ILLIAS, SUPLHIA MANZIL,VALANCHERRY,
KILIMANOR VILLAGE,THIRUVANANTHAPURAM DISTRICT.
2. SHAHIDA BEEVI, AGED 52 YEARS,(A2)
D/O.KADEEJA BEEVI, RESIDING AT -DO- , -DO-
3. SUBAIR, AGED 50 YRS, (A3),
S/O.MOHAMMED SALI, RESIDING AT -DO-, -DO-

BY ADV. SRI.SASTHAMANGALAM S. AJITHKUMAR

RESPONDENT(S): COMPLAINANT

1. THE STATE OF KERALA,REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.
2. SUHAILA, AGED 24 YRS,(CW1)
D/O.S.M.RASHEED, FAIZAL MANZIL, CHOOTTAYIL,
KILIMANOR VILLAGE,THIRUVANANTHAPURAM DISTRICT.

ADV. SRI.SHAJIN S.HAMEED FOR R2
PUBLIC PROSECUTOR SRI. P.A. SALIM

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 27/02/2009, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

M.N. KRISHNAN, J

CRL.M.C.No. 821 OF 2009

Dated this the 27th day of February, 2009

ORDER

This petition is filed with a prayer to quash all further proceedings in C.C. 898/2005 pending before the Judicial First Class Magistrate Court-II, Attingal. The petitioners are facing accusation under Section 109, 498(A) and r/w. 34 of the I.P.C. The matter has been settled between the defacto complainant and the petitioners. The wife has filed an affidavit through a counsel and it is submitted that they have decided to compromise the case and that the husband had divorced her and both of them have re-married and they are leading a peaceful married life. In the light of the dictum laid down in ***B.S. Joshi & others v. State of Haryana & another [2003 (4) SCC 675]*** the apex court held that the settlement of matrimonial disputes are to be entertained and that hyper technical view would be counter productive. I feel this is a fit case where the said decision has to be applied. Since the parties have separated themselves and had remarried and leading a peaceful matrimonial life, it will cause

embarrassment if the proceedings are to be continued. Therefore it is a fit case where the powers under Section 482 of the CrI.P.C can be invoked.

Therefore the CrI.M.C is allowed and all further proceedings in C.C. 898/2005 pending before the Judicial First Class Magistrate Court-II, Attingal is quashed.

M.N. KRISHNAN,JUDGE

vkm