

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

THURSDAY, THE 30TH APRIL 2009 / 10TH VAISAKHA 1931

Crl.MC.No. 1472 of 2009()

CC.354/2007 of JUDL. MAGISTRATE OF FIRST CLASS COURT, PATTAMBI
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PETITIONER(S): ACCUSED

ABDULLA, S/O. ALAVIKUTTY,
KAVUTTAPARAMBIL HOUSE,
NAYYUR, ANAKKARA, POOST KUMBIDI,
OTTAPALAM TALUK.

BY ADV. SRI.P.K.MOHANAN(PALAKKAD)

RESPONDENT(S): STATE AND COMPLAINANT

1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.
2. RAHIYANATH, D/O. ISMAYIL KOYA THONGA,
VALIYAKKATHODIYIL, KIZHAKKEPURATH HOUSE,
MUTHUR AMSOM, MANNUR DESOM,
PONNANI TALUK, MALAPPURAM DISTRICT.

ADV. SRI.K.C.KIRAN FOR R2
PUBLIC PROSECUTOR SRI. AMJED ALI

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 30/04/2009, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

V. RAMKUMAR, J.

Crl.M.C. No. 1472 of 2009

Dated: 30-04-2009

ORDER

Petitioner who is the husband of the de facto complainant is the accused in C.C. No. 354 of 2007 on the file of the J.F.C.M. Pattambi, for an offence punishable under Sec. 498 A I.P.C.

2. In the light of the subsequent settlement of the dispute between the marital parties, the petitioner has approached this Court by invoking the powers under Section 482 Cr.P.C. Having regard to the resolution of the disputes between the marital parties, continuance of the criminal prosecution against the petitioners is an avoidable irritant.

3. Eventhough the offence under Section 498 A I.P.C. is not compoundable, in the light of the decision of the Apex Court in B.S. Joshi v. State of Haryana (AIR 2003 SC 1386), the powers under Section 482 Cr.P.C. can be invoked by this Court to bring about premature termination of the prosecution.

Accordingly, this Criminal Miscellaneous Case is allowed and the C.C. No. 354 of 2007 pending before the Judicial First Class Magistrate Court, Pattambi, shall stand quashed.

Sd/- **V. RAMKUMAR,**
(JUDGE).

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