

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 23RD DAY OF FEBRUARY 2015/4TH PHALGUNA, 1936

Crl.MC.No. 31 of 2015

CRIME NO. 461/2014 OF KUDIYANMALA POLICE STATION.
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PETITIONER(S)/ACCUSED:

1. ANIL KUMAR,
S/O.GOVINDAN KUTTY, AGED 35,
VASANTHA NIVAS, KARIYANGODE P.O.,
PALAKKAD DT., 678 572.
2. GOVINDAN KUTTY, AGED 75 YEARS
KARIYANGODE P.O., PALAKKAD DT., 678 572.

**BY ADVS.SRI.P.NARAYANAN
SRI.NICHOLAS JOSEPH**

RESPONDENT(S)/STATE & DEFACTO COMPLAINANT:

1. STATE OF KERALA,
THROUGH STATION HOUSE OFFICER,
TALIPARAMBA POLICE STATION,
REP BY: PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.
2. MINI P.K., W/O.ANILKUMAR, AGED 36,
TEACHER, PALLATHU HOUSE
ARANGU P.O., NADUVIL, PALIPARAMBA TALUK,
KANNUR DT - 670 654.

**R1 BY PUBLIC PROSECUTOR SRI.JIBU P.THOMAS
R2 BY ADV. SRI.MOHANAN V.T.K.**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 23-02-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

Crl.MC.No. 31 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES:

ANNEXURE 1: COPY OF THE FIR IN CR.NO.461/2014 OF KUDIYANMALA POLICE STATION.

ANNEXURE 2: AFFIDAVIT SWORN BY THE RESPONDENT NO.2.

RESPONDENT(S)' ANNEXURES: - **NIL**

/TRUE COPY/

P.S. TO JUDGE

mbr/

B. KEMAL PASHA, J.

.....
Crl.M.C. No.31 2015
.....

Dated this the 23rd day of February, 2015

ORDER

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This is a petition filed under Section 482 of the Code of Criminal Procedure.

2. Petitioners are the accused in Crime No.461/2014 of Kudiyanmala Police Station, Kannur district, registered for the offences punishable under Sections 498A, 294(b) and 506(ii) IPC and Section 3(1)(x) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3. Petitioners have come up with this petition for getting Annexure-1 FIR in Crime No.461/2014 of

Kudiyanmala Police Station as against the petitioners and all further proceedings based on it pending before the Judicial First Class Magistrate's Court, Taliparamba, quashed.

4. The allegation against the petitioners is that they have tortured and harassed the de facto complainant, who is the wife of the 1st petitioner, and treated her with cruelty within the meaning of Section 498A IPC, by demanding more dowry. It is also alleged that the petitioners insulted the *defacto complainant* by calling her caste name.

5. Heard learned counsel for the petitioners, the learned counsel for the defacto complainant, who is the 2nd respondent herein, and learned Public Prosecutor.

6. According to the petitioners, all the matters in dispute between the petitioners and the defacto complainant have been amicably settled and presently, the defacto complainant has no complaints against the petitioners and,

therefore, the proceedings against the petitioners may be quashed.

7. The defacto complainant, who is the 2nd respondent herein, has filed an affidavit affirming that all the matters in dispute between her and the petitioners have been amicably settled and, therefore, she has no complaints against the petitioners and, therefore, all further proceedings in the matter referred to above can be quashed. She has entered appearance through her counsel. The learned counsel for the defacto complainant also endorses the fact that the affidavit has been sworn in by the defacto complainant on her own volition.

8. When all the matrimonial disputes have been settled between the parties and as the defacto complainant has no complaints against the petitioners, it is only just and expedient in the interest of justice to quash the proceedings referred to above.

In the result, this Crl.M.C. is allowed and Annexure-1 final report in Crime No.461/2014 of Kudiyanmala Police Station as against the petitioners and all further proceedings based on it pending before the Judicial First Class Magistrate's Court, Taliparamba are hereby quashed.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/23/02

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PA to Judge