

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 19TH DAY OF FEBRUARY 2015/30TH MAGHA, 1936

Crl.MC.No. 39 of 2015

**CC 684/2011 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, VADAKARA
CRIME NO. 163/2011 OF NEW MAHE POLICE STATION, KANNUR**
.....

PETITIONER(S):

**PRAMEELA, 48 YEARS,
W/O.PAVITHRAN, PRAVEEN NIVAS P.O., AZHIYOOR,
KARIVAYAL, KOZHIKODE DISTRICT.**

BY ADV. SRI.MANJERI S. SUNDERRAJ

RESPONDENT(S):

**1. PAVITHRAN, 55 YEARS,
S/O.KUNGAN, VAZHAYIL KUNNUMMAL HOUSE, P.O. NEW MAHE,
CHERRU KALLAYI, THALASSERY TALUK, KANNUR DISTRICT.**

**2. STATE OF KERALA,
REPRESENTED BY SHO CHOMBALA POLICE STATION,
CHOMBALA, KOZHIKODE.**

R1 BY ADV. SRI.M.SANJEEVE

R2 BY PUBLIC PROSECUTOR SRI.JIBU P. THOMAS

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
19-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE 1. TRUE COPY OF MARRIAGE CERTIFICATE DATED 26.11.83 IN RE MARRIAGE BETWEEN THE PETITIONER AND R1 PAVITHRAN ON 13.11.83.

ANNEXURE 2. TRUE COPY OF CRIME FIR NO.163/11 DATED 18.05.11 OF NEW MAHE PS KANNUR, BY PETITIONER AGAINST R1 AND OTHERS.

ANNEXURE 3. TRUE COPY OF CRIME FIR NO.260/2011 DATED 29.05.11 OF CHOMBALA P.S KOZHIKODE (RURAL) BY PETITIONER AGAINST R1 AND OTHERS.

ANNEXURE 4. TRUE COPY OF FINAL REPORT 419/11 DATED 09.08.11 IN CR.FIR 260/11 CHOMBAL P.S AGAINST R1 ALONE AS ACCUSED.

ANNEXURE 5. TRUE COPY OF MUTUAL SETTLEMENT AGREEMENT DATED 02.11.13 BETWEEN PETITIONER AND R1.

ANNEXURE 6. TRUE COPY OF RECEIPT DATED 25.11.14 FOR RS.5,00,000 RECEIVED BY PETITIONER FROM R1 AS PER THE AGREEMENT OF SETTLEMENT.

RESPONDENT(S)' ANNEXURES:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

B. KEMAL PASHA, J.

.....
Crl.M.C. No.39 2015
.....

Dated this the 19th day of February, 2015

O R D E R

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

2. Petitioner is the *defacto complainant* in Crime No.260/2011 of Chombala Police Station registered for the offence punishable under Sections 403, 406, 420 and 498A of the Indian Penal Code.

3. Petitioner has come up with this Crl.M.C. under Section 482 Cr.P.C. for getting Annexure-3 FIR and Annexure-4 final report in Crime No.260/2011 of Chombala Police Station as against the 1st respondent, who is the husband of the petitioner, and all further proceedings based on it in C.C.No.684/2011 pending before the Judicial first Class Magistrate's Court, Vatakara, quashed.

4. The allegation against the 1st respondent is that he had tortured and harassed the petitioner, who is his wife, and

treated her with cruelty within the meaning of Section 498A IPC, by demanding more dowry.

5. Heard learned counsel for the petitioner, the learned counsel for the 1st respondent and the learned Public Prosecutor.

6. According to the petitioner, all the matters in dispute between her and her husband, who is the 1st respondent herein, have been amicably settled and presently, she has no complaints against the 1st respondent and, therefore, the proceedings against the 1st respondent may be quashed.

7. When all the matrimonial disputes have been settled between the parties and as the petitioner has no complaints against the 1st respondent, 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-3 FIR and Annexure-4 final report in Crime No.260/2011 of Chombala Police Station as against the 1st respondent and all further proceedings based on it in C.C.No.684/2011 pending before the

Judicial First Class Magistrate's Court, Vatakara, are hereby
quashed.

Sd/-
(B.KEMAL PASHA, JUDGE)

stu

//True copy//

P.Ato Judge