

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 4TH DAY OF FEBRUARY 2015/15TH MAGHA, 1936

Crl.MC.No. 76 of 2015 (A)

**(AGAINST THE ORDER/JUDGMENT IN CC 680/2014 of C.J.M.,KASARAGOD DATED
CRIME NO. 318/2014 OF KASARAGOD POLICE STATION , KASARGOD)**

PETITIONER/ACCUSED 1 TO 4:

- 1. RAJESH. K, AGED 39 YEARS,
S/O. KUNHIKANNAN, KUSHAL NAGAR, P.O. KANHANGAD,
KASARAGOD DISTRICT.**
- 2. KUNHIKANNAN, AGED 72 YEARS,
S/O. KUNJANBU, KUSHAL NAGAR, P.O. KANHANGAD,
KASARAGOD DISTRICT.**
- 3. MADHAVI K.V., AGED 60 YEARS,
W/O. KUNHIKANNAN, KUSHAL NAGAR, P.O. KANHANGAD,
KASARAGOD DISTRICT.**
- 4. PRASEETHA, AGED 33 YEARS,
S/O. RAJEEVAN, KUSHAL NAGAR, P.O. KANHANGAD,
KASARAGOD DISTRICT.**

**BY ADVS.SRI.N.K.MANOJ KUMAR
SRI.S.VISHNU (TRIPUNITHURA)**

RESPONDENTS/COMPLAINANT:

- 1. STATE OF KERALA
REPRESENTED BY THE SUB INSPECTOR OF POLICE,
KASARAGOD POLICE STATION (CRIME NO. 318/14),
KASARAGOD, REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM- 682 031.**
- 2. VIJAYI. K, AGED 34 YEARS,
D/O. KARUNAKARAN, K.M. NIVAS, ANABAGILU,
KASARAGOD P.O., KASARAGOD TALUK, KASARAGOD DISTRICT.**

**R2 BY ADV. SRI.SUBASH BOSS V M
BY PUBLIC PROSECUTOR, SRI. JIBU P. THOMAS**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
04-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Crl.MC.No. 76 of 2015 (A)

PETITIONERS' EXHIBITS

**ANNEXURE-1 - A CERTIFIED COPY OF THE FINAL REPORT IN CC. 680/2014
PENDING ON THE FILE OF CJM COURT, KASARAGOD.**

**ANNEXURE-2 - AFFIDAVIT SWORN BY R2 THE DEFACTO COMPLAINANT IN
ANNEXURE - 1.**

RESPONDENTS' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

DST

B.KEMAL PASHA, J.

=====

CRL.M.C. No.76 of 2015

=====

Dated this the 4th day of February, 2015

ORDER

Petitioners are A1 to A4 in Crime No.318 of 2014 of the Kasaragod Police Station registered for the offences punishable under Section 498A read with Section 34 of the Indian Penal Code.

2. Petitioners have come up with this Crl.M.C. under Section 482 Cr.P.C. for getting Annexure-I Final Report in Crime No.318 of 2014 of the Kasaragod Police Station and all further proceedings based on it, in C.C.No.680 of 2014 pending before the Chief Judicial Magistrate's Court, Kasaragod, quashed.

3. The allegation against the petitioners is that they have tortured and harassed the defacto 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.

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

5. 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.

6. 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, hence, 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.

7. 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-I Final Report in Crime No.318 of 2014 of the Kasaragod Police Station and all further proceedings based on it, in C.C.No.680 of 2014 pending before the Chief Judicial Magistrate's Court, Kasaragod, are hereby quashed.

Sd/-

**B. KEMAL PASHA
JUDGE**

DSV/4/2/15

// True Copy //

P.A. To Judge

CRL.M.C.No.76 of 2015

-: 4 :-