

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 7TH DAY OF APRIL 2015/17TH CHAITHRA, 1937

Crl.MC.No. 79 of 2015 ()

CRIME NO. 182/2006 OF NALLALAM POLICE STATION, KOZHIKODE DISTRICT

PETITIONER/ACCUSED :

SUBRAMANIAN, AGED 41 YEARS
S/O.KEERAN, NIRMALA BHAVAN, VEZHANNUR THODIKA
KAMBILIPARAMBU, OLAVANNA, KOZHIKODE.

BY ADVS.SRI.K.M.JAMALUDHEEN
SMT.LATHA PRABHAKARAN

RESPONDENTS/DE-FACTO COMPLAINANT & STATE :

1. M.KUMARI, AGED 35 YEARS
D/O.VELLAN, MELUVEETIL VEEDU, POOVATTU PARAMBA
KOZHIKODE-673571
(KUNNAMANGALAM POLICE STATION LIMIT).

2. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682031.

R1 BY ADV. SMT.V.C.ARCHANA
R2 BY PUBLIC PROSECUTOR SRI. JIBU P. THOMAS

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 07-04-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

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APPENDIX

PETITIONERS' ANNEXURES :

**ANNEXURE 1 : CERTIFIED COPY OF THE FIR AND FIS IN CRIME NO. 182/2006
OF NALLALAM POLICE STATION DATED 12-9-2006.**

**ANNEXURE 2 CERTIFIED COPY OF THE CHARGE IN CRIME NO. 182/2006 OF
NALLALAM POLICE STATION.**

ANNEXURE 3 AFFIDAVIT SWORN IN BY THE 1ST RESPONDENT.

RESPONDENT'S ANNEXURES : NIL

//TRUE COPY//

P.A. TO JUDGE

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B.KEMAL PASHA, J.

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Crl.M.C. No. 79 of 2015

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Dated this the 7th day of April, 2015

ORDER

Petitioner is the accused in Crime No.182 of 2006 of the Nallalam Police Station, Kozhikode District, registered for the offence punishable under Sections 406, 323, 341, 506(1) and 498A read with Section 34 of the Indian Penal Code.

2. Petitioner has come up with this Crl.M.C. under Section 482 Cr.P.C. for getting Annexure-I FIR and Annexure-2 Final Report in Crime No.182 of 2006 of the Nallalam Police Station, Kozhikode District, and all further proceedings based on it in C.C.No.179/2007 pending before the Judicial First Class Magistrate's Court-V, Kozhikode, quashed.

3. The allegation against the petitioner is that he has tortured and harassed the defacto complainant, who is the wife of the petitioner, and treated her with cruelty within the meaning of Section 498A IPC, by demanding more dowry, after misappropriating her entire gold ornaments and money.

4. Heard learned counsel for the petitioner, the learned counsel for the defacto complainant, who is the 1st respondent herein, and the learned Public Prosecutor.

5. According to the petitioner, all the matters in dispute between the petitioner and the defacto complainant have been amicably settled and presently the defacto complainant has no complaints against the petitioner and, therefore, the proceedings against the petitioner may be quashed.

6. The defacto complainant, who is the 1st respondent herein, has filed an affidavit affirming that all the matters in dispute between her and the petitioner have been amicably settled and, therefore, she has no complaint against the petitioner, 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 petitioner, 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 FIR and Annexure-2 Final Report in Crime No.182 of 2006 of the Nallalam Police Station, Kozhikode District, and all further proceedings based on it in C.C.No.179/2007 pending before the Judicial First Class Magistrate's Court-V, Kozhikode, are hereby quashed.

Sd/-
B.KEMAL PASHA, JUDGE

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