

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 19TH DAY OF JANUARY 2015/29TH POUSHA, 1936

Crl.MC.No. 113 of 2015

**CC 687/2011 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-I, KAYAMKULAM.
CRIME NO. 190/2011 OF KAYAMKULAM POLICE STATION, ALAPPUZHA.**
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PETITIONERS/ACCUSED 1 TO 3:

- 1. SIBI VARGHESE, AGED 32 YEARS,
S/O.VARGHESE GEORGE, KOTTARATHIL VEEDU,
ERUVA KIZHAKKUM MURI, KAYAMKULAM VILLAGE,
ALAPPUZHA DISTRICT.**
- 2. SUSAN VARGHESE, AGED 55 YEARS,
W/O.VARGHESE GEORGE, KOTTARATHIL VEEDU,
ERUVA KIZHAKKUM MURI, KAYAMKULAM VILLAGE,
ALAPPUZHA DISTRICT.**
- 3. VARGHESE GEORGE, AGED 57 YEARS, S/O.GEORGE,
KOTTARATHIL VEEDU, ERUVA KIZHAKKUM MURI,
KAYAMKULAM VILLAGE, ALAPPUZHA DISTRICT.**

BY ADV. SMT.BHAVANA VELAYUDHAN

RESPONDENTS/COMPLAINANTS:

- 1. ANCY VARKEY, AGED 30 YEARS,
W/O.SIBI VARGHESE, VALIYAPARAMBIL VEETIL,
KARUVATTA VILLAGE, ALAPPUZHA DISTRICT,
KARUVATTA P.O., PIN - 690 517.**
- 2. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, PIN - 682 031.**

**R1 BY ADV. SRI.VINCENT JOSEPH
R2 BY PUBLIC PROSECUTOR SMT.LALIZA.T.Y.**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 19-01-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

Crl.MC.No. 113 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES:

- ANNEXURE A1:** TRUE COPY OF CHARGE SHEET IN CRIME NO.190/2011 OF KAYAMKULAM POLICE STATION FILED BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT-I, KAYAMKULAM.
- ANNEXURE A2:** TRUE COPY OF COMPROMISE PETITION FILED BY THE DEFACTO COMPLAINANT BEFORE THE FAMILY COURT, MAVELIKARA.
- ANNEXURE A3:** TRUE COPY OF AFFIDAVIT SWORN BY THE DEFACTO COMPLAINANT BEFORE THE ADVOCATE DATED 07.01.2014.

RESPONDENT(S)'ANNEXURES: - NIL

/TRUE COPY/

P.S. TO JUDGE

mbr/

B.KEMAL PASHA, J.

.....
CRL. M.C. No.113 of 2015
.....

Dated this the 19th day of January, 2015

ORDER

Petitioners are A1 to A3 in Crime No.190/11 of the Kayamkulam Police Station, registered for the offence punishable under Section 498A read with Section 34 of the Indian Penal Code.

2. Petitioners have come up with this CrI.M.C. under Section 482 Cr.P.C. for getting Annexure-I final report in C.C.No.687/2011 on the file of the Judicial First Class Magistrate's Court-I, Kayamkulam, 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 1st 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 1st 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 complaint 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 C.C.No.687/2011 on the file of the Judicial First Class Magistrate's Court-I, Kayamkulam, which has arisen from Crime No.190/11 of the Kayamkulam Police Station, is hereby quashed.

Sd/- B.KEMAL PASHA, JUDGE

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[True copy]

P.S. to Judge