

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE B.KEMAL PASHA**

**WEDNESDAY, THE 18TH DAY OF FEBRUARY 2015/29TH MAGHA, 1936**

**Crl.MC.No. 296 of 2015 ()**

**CP.NO. 73/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-1, ALATHUR**

**PETITIONER(S)/ACCUSED NOS.2 AND 3:**

- 1. JAGADEESAN @ JAYADASAN, AGED 38 YEARS,  
S/O LATE.RAJAN, PULIKKAT HOUSE, CHOOLIPPADAM,  
PUDUKKODE.P.O., PALAKKAD.**
- 2. SWAYAM PRABHA @ KAMALAM, AGED 66 YEARS,  
W/O LATE RAJAN, PULIKKAT HOUSE,  
CHOOLIPPADAM, PUDUKKODE.P.O., PALAKKAD.**

**BY ADV. SRI.V.A.JOHNSON (VARIKKAPPALLIL)**

**RESPONDENT(S)/DEFACTO COMPLAINANT /CWS 1-3 AND STATE :**

- 1. ANANTHAN, AGED 62 YEARS,  
S/O SREEDHARAN, PANAMOOTTIL VEEDU,  
CHUVATTUPADAM, NOCHUR, ALATHUR,  
PALAKKAD-678 545**
- 2. VIJAYAN, AGED 56 YEARS,  
S/O SREEDHARAN, PARAYIL VEEDU, PANAMOOTTIL,  
CHUVATTUPADAM, NOCHUR, ALATHUR,  
PALAKKAD-678 545**
- 3. OMANA, AGED 45 YEARS,  
W/O VIJAYAN, PARAYIL VEEDU, PANAMOOTTIL,  
CHUVATTUPADAM, NOCHUR, ALATHUR,  
PALAKKAD-678 545**
- 4. STATE OF KERALA,  
REPRESENTED BY PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, ERNAKULAM-682 031**

**R1 TO R3 BY ADV. SRI.P.M.RAFIQ**

**R4 BY PUBLIC PROSECUTOR SRI.JIBU P. THOMAS**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION  
ON 18-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

**sts**

APPENDIX

**PETITIONER(S)' ANNEXURES:**  
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- ANNEXURE A:** TRUE COPY OF THE FINAL REPORT IN CRIME NO.1482/2013 OF ALATHUR POLICE STATION IN PALAKKAD DISTRICT IN C.P. NO.73/2014 ON THE FILE OF THE COURT OF JUDICIAL FIRST CLASS MAGISTRATE, ALATHUR
- ANNEXURE B:** TRUE COPY OF THE STATE GIVEN BY THE 1ST RESPONDENT DATED 14.11.2013.
- ANNEXURE B1:** TRUE COPY OF THE STATEMENT GIVEN BY THE 02ND RESPONDENT DATED 14.11.2013.
- ANNEXURE B2:** TRUE COPY OF THE STATEMENT GIVEN BY THE 03RD RESPONDENT DATED 14.11.2013
- ANNEXURE C:** AFFIDAVIT SWORN BY THE 01ST RESPONDENT HEREIN EVIDENCING THE AFORESAID SETTLEMENT.
- ANNEXURE D:** AFFIDAVIT SWORN BY THE 02ND RESPONDENT HEREIN EVIDENCING THE AFORESAID SETTLEMENT.
- ANNEXURE E:** AFFIDAVIT SWORN BY THE 03RD RESPONDENT HEREIN EVIDENCING THE AFORESAID SETTLEMENT.

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

/TRUE COPY/

P.A.TO.JUDGE

sts

**B. KEMAL PASHA, J.**

.....  
Crl.M.C. No.296 2015  
.....

*Dated this the 18<sup>th</sup> 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 accused Nos.2 and 3 respectively in Crime No.1482/2013 of Alathur Police Station presently pending as C.P.No.73/2014 before the Judicial First Class Magistrate's Court, Alathur for the offences punishable under Sections 302 and 498A read with Section 34 IPC.

3. Petitioners have come up with this petition for getting Annexure-A final report in Crime No.1482/2013 of Alathur Police Station as against the petitioners and all further proceedings based on it in C.P.73/2014 pending before the Judicial First Class Magistrate's Court, Alathur, quashed.

4. The allegation against the petitioners is that due

to the matrimonial cruelty exerted by them, the 1<sup>st</sup> accused committed suicide by killing her two minor children. The 1<sup>st</sup> petitioner is the husband, and 2<sup>nd</sup> petitioner is the mother-in-law of the 1<sup>st</sup> accused. Respondents 1 to 3 are the parents and father's brother of the 1<sup>st</sup> accused.

5. Heard learned counsel for the petitioners, the learned counsel for respondents 1 to 3 herein and learned Public Prosecutor.

6. According to the petitioners, all the matters in dispute between the petitioners and respondents 1 to 3 have been amicably settled and presently, they have no complaints against the petitioners and, therefore, the proceedings against the petitioners may be quashed.

7. Respondents 1 to 3 have filed affidavits affirming that all the matters in dispute between them and the petitioners have been amicably settled and, therefore, they have no complaints against the petitioners and, therefore, all further proceedings in the matter referred to above can be

quashed. Respondents 1 to 3 have entered appearance through their counsel. The learned counsel for respondents 1 to 3 also endorses the fact that the affidavits have been sworn in by respondents 1 to 3 on their own volition.

8. When all the disputes have been settled between the parties and as respondents 1 to 3 have 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 CrI.M.C. is allowed and Annexure-A final report in Crime No.1482/2013 of Alathur Police Station as against the petitioners and all further proceedings based on it in C.P.73/2014 pending before the Judicial First Class Magistrate's Court, Alathur are hereby quashed.

Sd/-  
**(B.KEMAL PASHA, JUDGE)**

aks/18/02

*// True Copy //*

*PA to Judge*