

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 21ST DAY OF JANUARY 2015/1ST MAGHA, 1936

Crl.MC.No. 311 of 2015

CC 866/2011 of JUDICIAL FIRST CLASS MAGISTRATE COURT-III,THRISSUR

PETITIONER(S)/ACCUSED:

1. LIJO MATHAI,
S/O.MATHAI, MAPRANATHUKARAN HOUSE, IRINJALAKUDA DESOM
NOW RESIDING AT FLAT NO.9, KAIRALI SADAN, LINK ROAD
NEAR FORTIS HOSPITAL, MUMBAI, PIN-400 080.
2. ELSY MATHAI,
W/O.MATHAI, MAPRANATHUKARAN HOUSE, IRINJALAKUDA DESOM
NOW RESIDING AT FLAT NO.9, KAIRALI SADAN, LINK ROAD
NEAR FORTIS HOSPITAL, MUMBAI, PIN-400 080.

BY ADV. SRI.V.BINOY RAM

RESPONDENT(S)/DEFACTO COMPLAINANT /COMPLAINANT:

1. SUNCY,
D/O.C.P.JOHN, CHIRAYATH MANJIYIL HOUSE, MUKKATTUKARA
P.O.NETTISSERY, THRISSUR TALUK, PIN-680 651.
2. STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM.

R1 BY ADV. SRI.K.D.BABU

R2 BY PUBLIC PROSECUTOR SRI.JIBU P.THOMAS

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 21-01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

APPENDIX

PETITIONER(S)' ANNEXURES

**ANNEXURE 1 : TRUE COPY OF THE FIR IN CR.753/2011 OF MANNUTHY POLICE
STATION NOW PENDING AS C.C.866/2011 BEFORE THE JUDICIAL FIRST
CLASS MAGISTRATE COURT, NO.III, THRISSUR.**

**ANNEXURE 2 : TRUE COPY OF THE CHARGE SHEET IN CR.753/2011 OF MANNUTHY
POLICE STATION NOW PENDING AS C.C.866/2011 BEFORE THE
JUDICIAL FIRST CLASS MAGISTRATE COURT, NO.III, THRISSUR.**

ANNEXURE 3 : TRUE COPY OF THE AFFIDAVIT SWORN BY THE 1ST RESPONDENT.

RESPONDENT(S)' ANNEXURES

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

B.KEMAL PASHA, J.

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CRL.M.C. No.311 of 2015

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Dated this the 21st day of January, 2015

ORDER

Petitioners are accused in Crime No.753 of 2011 of the Mannuthy Police Station registered for the offences punishable under Sections 323, 324, 406, 506(ii) and 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-2 Final Report and all further proceedings based on it, in C.C.No.866 of 2011 pending before the Judicial First Class Magistrate's Court-III, Thrissur, 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 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-2 Final Report and all further proceedings based on it, in C.C.No.866 of 2011 pending before the Judicial First Class Magistrate's Court-III, Thrissur, are hereby quashed.

Sd/-
B. KEMAL PASHA
JUDGE

DSV/22/1/15

// True Copy //

P.A. To Judge