

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 30TH DAY OF JANUARY 2015/10TH MAGHA, 1936

Crl.MC.No. 380 of 2015 ()

CC.NO. 1289/2013 OF JUDICIAL FIRST CLASS MAGISTRATE COURT -I,NEDUMANGAD
CRIME NO. 110/2013 OF VENJARAMOODU POLICE STATION ,
THIRUVANANTHAPURAM

PETITIONER/ACCUSED:

SRI.SHAJU.V., AGED 32 YEARS,
S/O.VASUDEVAN NAIR, SHIBU BHAVAN, KOPPAM,
PIRAPPANCODE P.O., NEDUMANGAD TALUK,
THIRUVANANTHAPURAM DISTRICT, PIN-695 607.

BY ADV. SRI.R.B.RAJESH

RESPONDENT(S)/STATE:

-
1. THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-31.
 2. SMT.SEENA.J, AGED 28 YEARS,
D/O.USHA KUMARI, SHIBU BHAVAN, KOPPAM,
PIRAPPANCODE.P.O., NEDUMANGAD TALUK,
THIRUVANANTHAPURAM DISTRICT, PIN-695 607.

R1 BY PUBLIC PROSECUTOR SRI.M.A.ABDUL SHUKOOR
R2 BY ADV. SRI.S.U.NAZAR

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 30-01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

sts

Crl.MC.No. 380 of 2015 ()

APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEX 1 : CERTIFIED COPY OF THE FIR IN CR.NO.110/13 OF VENJARAMOODU
POLICE STATION.**

**ANNEX 2 : CERTIFIED COPY OF THE FINAL REPORT IN CR.NO.110/13(CC.NO.
1289/13) PENDING BEFORE THE JFMC-1, NEDUMANGAD**

**ANNEX 3 : COPY OF THE NOTARIZED AFFIDAVIT SWORN BY THE 2ND
RESPONDENT DT. 20-12-14.**

**ANNEX 4 : COPY OF THE AFFIDAVIT SWORN BY THE 2ND RESPONDENT DT.
20-12-14 .**

RESPONDENT(S)' ANNEXURES:

NIL

/TRUE COPY/

P.A.TO.JUDGE

sts

B. KEMAL PASHA, J.

.....
Crl.M.C. No.380 of 2015
.....

Dated this the 30th day of January, 2015

ORDER

~ ~ ~ ~ ~

This is a petition filed under Section 482 of the Code of Criminal Procedure.

2. Petitioner is the accused in Crime No.110/2013 of Venjaramoodu Police Station registered for the offence punishable under Section 498A of the Indian Penal Code.

3. Petitioner has come up with this petition under Section 482 Cr.P.C. for getting Annexure-1 FIR and Annexure-2 Final Report in Crime No.110/2013 of Venjaramoodu Police Station as against the petitioner and all further proceedings based on it in C.C.1289/2013

pending before the Judicial First Class Magistrate's Court-I, Nedumangad, quashed.

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

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

6. 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.

7. The defacto complainant, who is the 2nd

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 complaints against the petitioner and, therefore, 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.

8. Through a settlement, the 1st petitioner and the 2nd respondent are living together as husband and wife and are leading a peaceful married life. 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 CrI.M.C. is allowed and Annexure-1

FIR and Annexure-2 Final Report in Crime No.110/2013 of Venjaramoodu Police Station as against the petitioner and all further proceedings based on it in C.C.1289/2013 pending before the Judicial First Class Magistrate's Court-I, Nedumangad are hereby quashed.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/30/01

// True Copy //

PA to Judge