

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 2ND DAY OF FEBRUARY 2015/13TH MAGHA, 1936

Crl.MC.No. 423 of 2015 ()

**CC 339/2014 of JUDICIAL FIRST CLASS MAGISTRATE COURT, PAYYANNUR
KANNUR DISTRICT**

PETITIONER/ACCUSED :

**K.K. NARAYAN, AGED 45 YEARS,
S/O.LATE PK OMANA NAMBIAR, KAILASAM, CHALAPARAMBA P.O.,
THILLENGERI, THILLENGERI AMSOM DESOM,
THALASSERRY THALUK, KANNUD DISTRICT-670702.**

**BY ADVS.SRI.SUNIL NAIR PALAKKAT
SRI.K.N.ABHILASH**

RESPONDENTS/STATE AND COMPLAINANT :

- 1. STAT EOF KERALA
REP.BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM-682031.**
- 2. INDULEGHA P.V., AGED 37 YEARS,
D/O.SUSHEELA, RESIDING AT PAYYAN VEEDU, KANOL P.O.,
VADASSERI AMSOM DESOM, KANNUR DISTRICT-670307.**
- 3. THE STATION HOUSE OFFICER,
PERINGOME POLICE STATION, PERINGOME, KANNUR DIST.
PIN 670354.**

**R1 & R3 BY PUBLIC PROSECUTOR SRI. JIBU P. THOMAS
R2 BY ADV. SRI.JACOB SEBASTIAN**

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

bp

Crl.MC.No. 423 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE-A1: THE COPY OF THE FIR NO.840/2013 DATED 28.12.2013 ALONG
WITH COMPLAINT OF THE PERINGOM POLICE STATION.**

**ANNEXURE-A2: CERTIFIED COPY OF FINAL REPORT IN CC NO.339/2014
BEFORE THE JFCM, PAYYANNUR DATED 3/2/14.**

ANNEXURE-A3: THE AFFIDAVIT SWORN IN BY THE 2ND RESPONDENT.

**ANNEXURE-A4: THE TRUE COPY OF THE MEDIATION REPORT IN O.P.887/13
MEDIATION CENTRE KANNUR DATED 19/12/2014.**

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.S. TO JUDGE

bp

B.KEMAL PASHA, J.

.....
CRL. M.C. No.423 of 2015
.....

Dated this the 2nd day of February, 2015

ORDER

Petitioner is the accused in FIR No.840/13 of the Peringome Police Station, registered for the offence punishable under Section 498A of the Indian Penal Code.

2. The petitioner has come up with this Crl.M.C. under Section 482 Cr.P.C. for getting Annexure-A2 Final Report and all proceedings in C.C.No.339/14 on the file of the Judicial First Class Magistrate's Court, Payyannur, quashed.

3. The allegation against the petitioner is that he has tortured and harassed the defacto complainant, who is his wife, and treated her with cruelty within the meaning of Section 498A IPC.

4. Heard learned counsel for the petitioner, the learned counsel for the defacto complainant, who is the 2nd 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 through a mediation settlement agreement 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 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, 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-A2 Final Report in Crime No.840/13 of the Peringome Police Station, and all the proceedings in C.C.No.339/14 pending before the Judicial First Class Magistrate's Court, Payyannur on it, are hereby quashed.

Sd/- B.KEMAL PASHA, JUDGE

ul/-

[True copy]

P.S. to Judge