

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 20TH DAY OF FEBRUARY 2015/1ST PHALGUNA, 1936

Crl.MC.No. 432 of 2015

CC 2452/2014 of J.M.F.C., KODUNGALLUR

PETITIONERS/ACCUSED NO.1 TO 3:

1. SHINOD KUMAR AGED 41 YEARS
GULF EMPLOYEE, S/O.BAHULEYAN, KANJIRAPARAMBIL HOUSE
NATTIKA DESOM, NATTIKA VILLAGE, CHAVAKKAD TALUK
THRISSUR DISTRICT.
2. MANI, AGED 64 YEARS
HOUSE HOLD AFFAIRS, W/O.BAHULEYAN
KANJIRAPARAMBIL HOUSE, NATTIKA DESOM, NATTIKA VILLAGE
CHAVAKKAD TALUK, THRISSUR DISTRICT.
3. SREEDEVI AGED 31 YEARS
HOUSE HOLD AFFAIRS
W/O.KALAPPURAKKAL ,SIVADAS AND D/O.BAHULEYAN
KANJIRAPARAMBIL HOUSE, NATTIKA DESOM, NATTIKA VILLAGE
CHAVAKKAD TALUK, THRISSUR DISTRICT.

BY ADVS.SRI.BABU KARUKAPADATH
SMT.M.A.VAHEEDA BABU
SRI.K.A.NOUSHAD
SRI. RAHUL KANDAMPULLY
SRI.MITHUN BABY JOHN
SRI.J.RAMKUMAR

RESPONDENTS:

1. REMYA, AGED 26 YEARS
D/O.MOHANAN, CHEETTAPURATH HOUSE, KAZHIMBRAM DESOM
VALAPPAD VILLAGE, CHAVAKKAD TALUK, THRISSUR DISTRICT-686001.
2. STATE OF KERALA
REPRESENTED BY SUB INSPECTOR OF POLICE
VALAPPAR (FIR NO.124/2014), POLICE STATION
THROUGH PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM 682031.

R1 BY ADV. SRI.P.G.PRAMOD
R BY PUBLIC PROSECUTOR, SHRI.JIBU P THOMAS

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
20-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

APPENDIX

PETITIONERS' EXHIBITS

ANNEXURE-1: CERTIFIED COPY OF THE PRIVATE COMPLAINT FILED BY THE
FIRST RESPONDENT BEFORE THE JUDICIAL FIRST CLASS
MAGISTRATE COURT, KODUNGALLUR.

ANNEXURE-2: CERTIFIED COPY OF THE FIR REGISTERED BY THE SECOND
RESPONDENT IN CRIME NO.124/2014.

ANNEXURE-3: CERTIFIED COPY OF THE CHARGE SHEET SUBMITTED BY THE
SECOND RESPONDENT IN CRIME NO.124/2014.

ANNEXURE-4: PHOTOSTAT COPY OF THE AGREEMENT DATED 17.05.2014
ENTERED IN BETWEEN THE 1ST PETITIONER AND 1ST RESPONDENT.

ANNEXURE-5: PHOTOSTAT COPY OF THE ORDER DATED 22.11.2014 IN OP
NO.714/2014 OF FAMILY COURT, THRISSUR.

RESPONDENTS' EXHIBITS : NIL

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// TRUE COPY //

PA to Judge

B.KEMAL PASHA, J.

Crl.M.C.No.432 of 2015 B

Dated this the 20th day of February 2015

ORDER

The petitioners are the accused in C.C. No.2452/2014 of the Judicial First Class Magistrate's Court, Kodungallur, for the offences punishable under Sections 406, 420 and 498A read with Section 34 of the I.P. C.

2. The allegation against the petitioners is that they have tortured and harassed the de-facto complainant, who is the wife of the 1st petitioner and treated her with cruelty, within the meaning of Section 498A of the Indian Penal Code.

3. According to the petitioners, the matter has been

amicably settled between them and the de-facto complainant, who is the first respondent herein.

4. The first respondent has filed an affidavit stating that the matter has been amicably settled and that all the disputes between them have been settled. She has no objection in quashing Annexure A2 F.I.R. in Crime No.124/2014 of Valappad Police station and all further proceeding in C.C. No.2452/2014 of the Judicial First Class Magistrate's Court, Kodungallur. The first respondent has entered appearance through her counsel. The learned counsel for first respondent also endorses the fact that the affidavit has been sworn in by the first respondent. When the matter has been amicably settled between the parties, being a matrimonial dispute, this Court is of the view that it is just and proper in the interest of justice, to quash Annexure A2 F.I.R. in Crime No.124/2014 of Valappad Police station and all further proceeding in C.C. No.2452/2014 of the Judicial First Class Magistrate's Court, Kodungallur.

In the result, this Crl.M.C. is allowed. Annexure A2 F.I.R.

in Crime No.124/2014 of Valappad Police station and all further proceeding in C.C. No.2452/2014 of the Judicial First Class Magistrate's Court, Kodungallur, are quashed.

Sd/-
B.KEMAL PASHA,
JUDGE

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// TRUE COPY //

PA to Judge