

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 10TH DAY OF FEBRUARY 2015/21ST MAGHA, 1936

Crl.MC.No. 452 of 2015 ()

CRIME NO. 960/2014 OF KUNDARA POLICE STATION, KOLLAM DISTRICT

PETITIONERS/ACCUSED 1 AND 2 :

- 1. SUNIL KUMAR, AGED 39 YEARS (A1)**
S/O.RAJASEKHARAN PILLAI
RESIDING AT PARANKIMAMVILA HOUSE, CHERUMOODU
VELLIMON P.O., PRINAD VILLAGE, KOLLAM DISTRICT.
- 2. RADHAMONI AMMA, AGED 65 YEARS (A2)**
W/O.RAJASEKHARAN PILLAI
RESIDING AT PARANKIMAMVILA HOUSE, CHERUMOODU
VELLIMON P.O., PRINAD VILLAGE, KOLLAM DISTRICT.

BY ADVS.SRI.BINU GEORGE
SMT.HEMALATHA

RESPONDENTS/STATE :

- 1. STATE OF KERALA**
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.
- 2. REJITHA, AGED 33 YEARS**
D/O.RAJANDRAN PILLAI, REJI BHAVAN, CHANDANATHOPE P.O.
PERINAD VILLAGE, KOLLAM DISTRICT- 691 014.

R1 BY PUBLIC PROSECUTOR SRI. JIBU P. THOMAS
R2 BY ADV. SRI.R.RAJESH (PULLIKADA)

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 10-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

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...2/-

Crl.MC.No. 452 of 2015 ()

APPENDIX

PETITIONERS' ANNEXURES :

**ANNEXURE I- A TRUE COPY OF THE FIR NO.960/2014 OF KUNDARA POLICE
STATION.**

**ANNEXURE II- AGREEMENT DATED 28.5.2014 ENTERED IN TO BETWEEN THE
1ST PETITIONER AND 2ND RESPONDENT.**

**ANNEXURE III- AFFIDAVIT DATED 17.1.2015 SWORN BY THE 2ND
RESPONDENT.**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

B. KEMAL PASHA, J.

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Crl.M.C. No.452 2015
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Dated this the 10th 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.1 and 2 in Crime No.960/2014 of Kundara Police Station registered for the offence punishable under Section 498A of the Indian Penal Code.

3. Petitioners have come up with this petition for getting Annexure-A1 FIR in Crime No.960/2014 of Kundara Police Station as against the petitioners and all further proceedings based on it pending before the Judicial First Class Magistrate's Court-I, Kollam, quashed.

4. The allegation against the petitioners is that they have tortured and harassed the de facto complainant, who is the wife of the 1<sup>st</sup> petitioner, and treated her with cruelty

within the meaning of Section 498A IPC, by demanding more dowry.

5. Heard learned counsel for the petitioners, the learned counsel for the defacto complainant, who is the 2<sup>nd</sup> respondent herein, and learned Public Prosecutor.

6. 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.

7. The defacto complainant, who is the 2<sup>nd</sup> 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, 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. 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-A1 final report in Crime No.960/2014 of Kundara Police Station as against the petitioners and all further proceedings based on it pending before the Judicial First Class Magistrate's Court-I, Kollam are hereby quashed.

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

aks/10/02

*// True Copy //*

*PA to Judge*