

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 6TH DAY OF MARCH 2015/15TH PHALGUNA, 1936

Crl.MC.No. 470 of 2015 ()

**CC.NO. 918/2013 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, PAYYANNUR
CRIME NO. 1012/2012 OF PAYYANNUR POLICE STATION, KANNUR**

PETITIONERS/ACCUSED 1 TO 4 :

1. RAKESH,
PEROORKKARAN, S/O.P.V.RAGHAVAN,
AGED 32 YEARS, L & R NIVAS,
NEAR SIVA TEMPLE, ONAKKUNNU, KARIVELLUR P.O.
KARIVELLUR AMSOM, KANNUR DISTRICT.
2. P.V.RAGHAVAN
S/O.LATE KURUMBI, AGED 62 YEARS
L & R NIVAS, NEAR SIVA TEMPLE
ONAKKUNNU, KARIVELLUR.P.O.,
KARIVELLUR AMSOM, KANNUR DISTRICT.
3. P.SANTHA,
W/O.P.V.RAGHAVAN, AGED 52 YEARS
PEROORKKARAN HOUSE, L&R NIVAS
NEAR SIVA TEMPLE, ONAKKUNNU, KARIVELLUR P.O.
KARIVELLUR AMSOM, KANNUR DISTRICT.
4. LIJINA P,
D/O.P.V.RAGHAVAN, AGED 34 YEARS
L&R NIVAS, NEAR SIVA TEMPLE
ONAKKUNNU, KARIVELLUR P.O.,
KARIVELLUR AMSOM
KANNUR DISTRICT.

BY ADV. SRI.V.T.MADHAVANUNNI

RESPONDENTS/STATE & DEFACTO COMPLAINANT :

1. STATE OF KERALA
REP. BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA AT ERNAKULAM
THROUGH S.H.O.PAYYANNUR POLICE STATION
KANNUR DISTRICT-670 307.

**2. M.V.JIBINA, AGED 25 YEARS
D/O.M.P.BALAKRISHNAN, ANJU NIVAS, ONAKKUNNU
KARIVELLUR P.O., KARIVELLUR AMSOM, KANNUR DISTRICT.**

**R1 BY PUBLIC PROSECUTOR SRI. JIBU P. THOMAS
R2 BY ADV. SRI.V.A.SATHEESH**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 06-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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...2/-

Crl.MC.No. 470 of 2015 ()

APPENDIX

PETITIONERS' ANNEXURES :

**ANNEXURE A1: TRUE COPY OF THE FIR IN CRIME NO. 1012/2012 OF
PAYYANNUR POLICE STATION.**

**ANNEXURE A2: TRUE COPY OF THE FINAL REPORT SUBMITTED BY THE
POLICE BEFORE THE JFCM COURT, PAYYANNUR IN CRIME
NO. 1012/2012 OF PAYYANNUR POLICE STATION.**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

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B.KEMAL PASHA, J.

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Crl.M.C No. 470 of 2015

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Dated this the 6th day of March, 2015.

ORDER

Petitioners are A1 to A4 in Crime No.1012/2012 of the Payyannur Police Station, Kannur registered for the offence punishable under Sections 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-I FIR and A2 Final report in Crime No No.1012/12 of the Payyannur Police Station, Kannur and all further proceedings based on it in C.C..No.918/20113 pending before the Judicial First Class Magistrate's Court-I, Payyannur, quashed.

3. The allegation against the petitioners is that they have tortured and harassed the defacto complainant, who is the wife of the 1st accused, 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 2nd 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 2nd 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 complaint 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-I FIR and A2 Final report in Crime No No.1012/12 of the Payyannur Police Station, Kannur and all further proceedings based on it in C.C..No.918/20113 pending before the Judicial First Class Magistrate's Court-I, Payyannur are hereby quashed.

B.KEMAL PASHA, J.
(Judge)

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