

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 18TH DAY OF FEBRUARY 2015/29TH MAGHA, 1936

Crl.MC.No. 492 of 2015

**CC 97/2014 OF CHIEF JUDICIAL MAGISTRATE COURT, ALAPPUZHA DISTRICT.
CRIME NO.481/2014 OF ALAPPUZHA NORTH POLICE STATION.**
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PETITIONER(S)/ACCUSED:

- 1. PRABHATH P, S/O.PRABHAKARAN,
AGED 44, HOUSE NO. 44, NEETHI NAGAR,
PATTATHANAM, KOLLAM-21**
- 2. SARASWATHY S, W/O.PRABHAKARAN, HOUSE NO.44 ,
NEETHI NAGAR, PATTATHANAM, KOLLAM-21.**
- 3. PRATHAP P., S/O. PRABHAKARAN, HOUSE NO.44,
NEETHI NAGAR, PATTATHANAM, KOLLAM-21.**

**BY ADVS. SRI.M.K.CHANDRA MOHANDAS
SRI.K.SATHYANANDAN PILLAI**

RESPONDENT(S)/COMPLAINANT & STATE & DEFACTO COMPLAINANT:

- 1. CIRCLE INSPECTOR OF POLICE,
ALAPPUZHA NORTH P.S, ALAPPUZHA - 688 501.**
- 2. SUB INSPECTOR OF POLICE,
ALAPPUZHA NORTH.P.S., ALAPPUZHA - 688 501.**
- 3. STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM - 682 031.**
- 4. SANTHI T.S., D/O SOMAN, SANTHI BHAVAN,
NORTH OF KAITHATHIL TEMPLE, WARD NO.III, SOUTH ARYAD,
PANCHAYATH, ALAPPUZHA DISTRICT - 688531.**

**R1 TO R3 BY PUBLIC PROSECUTOR SRI.JIBU P.THOMAS
R4 BY ADVS. SRI.C.R.SANISH
SMT.C.M.DHANY**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 18-02-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

APPENDIX

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ANNEXURE A1: A COPY OF THE F.I.R. NO.481/14 AND CHARGE SHEET.

ANNEXURE A2: A COPY OF THE AGREEMENT ENTERED INTO BETWEEN THE PETITIONER AND DE-FACTO COMPLAINANT DT.15.10.14.

ANNEXURE A3: A COPY OF THE MEMORANDUM OF AGREEMENT DT. 18.10.14.

ANNEXURE A4: A COPY OF THE AGREEMENT ENTERED INTO BETWEEN THE 1ST PETITIONER AND THE 4TH RESPONDENT ON 19.01.2015.

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/TRUE COPY/

P.S. TO JUDGE

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B.KEMAL PASHA, J.

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CRL.M.C. No.492 of 2015

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Dated this the 18th day of February, 2015

ORDER

Petitioners are accused in Crime No.481 of 2014 of the Alappuzha North Police Station registered for the offence punishable under Section 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-A1 First Information Report in Crime No.481 of 2014 of the Alappuzha North Police Station and all further proceedings based on it in C.C.No.97 of 2014 pending before the Chief Judicial Magistrate's Court, Alappuzha, quashed.

3. The allegation against the petitioners is that they have tortured and harassed the defacto complainant, who is

the wife of the 1st petitioner, 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 4th 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 4th 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, 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-A1 First Information Report in Crime No.481 of 2014 of the Alappuzha North Police Station and all further proceedings based on it, in C.C.No.97 of 2014 pending before the Chief Judicial Magistrate's Court, Alappuzha, are hereby quashed.

Sd/-
B.KEMAL PASHA
JUDGE

DSV/18/2/15

// True Copy //

P.A. To Judge

CRL.M.C.No.492 of 2015

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