

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 3RD DAY OF FEBRUARY 2015/14TH MAGHA, 1936`

Crl.MC.No. 548 of 2015 ()

CRIME NO. 312/2012 OF MUSEUM POLICE STATION, THIRUVANANTHAPURAM.

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PETITIONER/ACCUSED :

ARUN SEKHAR, AGED 33 YEARS,
S/O. SEKHARAN NAIR, HOUSE NO.44,
GOPALA MANDIRAM, MP APPAN ROAD,
VAZHUTHACAUD, THIRUVANANTHAPURAM.

BY ADV. SRI.SUMAN CHAKRAVARTHY.

RESPONDENT/STATE & DEFACTO COMPLAINANT:

1. THE STATE OF KERALA,
REPRESENTED BY ITS PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, PIN-682 031.
2. ASHWATHY ,
D/O. RAGHUNATHAN NAIR, KAITHAVILA LANE,
KRISHNAN KOVIL ROAD, AMBALAMUKKU,
PERRORKADA, THIRUVANANTHAPURAM-695 017.

R1 BY PUBLIC PROSECUTOR SRI.JIBU P.THOMAS.
R2 BY ADV. SMT.BREJITHA UNNIKRISHNAN

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 03-02-2015, ALONG WITH CRL. MC. NO.549 OF 2015, THE COURT
ON THE SAME DAY PASSED THE FOLLOWING:

rs.

APPENDIX

PETITIONER'S ANNEXURES:-

ANNEXURE A : CERTIFIED COPY OF THE FINAL REPORT IN
CRIME NO.312/12 OF MUSEUM POLICE STATION,
THIRUVANANTHAPURAM.

ANNEXURE B : ORIGINAL AFFIDAVIT EXECUTED BY THE
2ND RESPONDENT DATED 17.01.2015.

ANNEXURE C : ATTESTED COPY OF THE VOTER ID CARD OF THE
2ND RESPONDENT.

RESPONDENT'S ANNEXURES:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

B.KEMAL PASHA, J.

.....
CRL. M.C. Nos.548 & 549 of 2015
.....

Dated this the 3rd day of February, 2015

ORDER

Petitioner in Crl.M.C.No.548/15 is A1 in Crime No.312/12 of the Museum Police Station, Thiruvananthapuram registered for the offences punishable under Section 323 IPC and Section 31 of the Protection of Women from Domestic Violence Act.

2. Petitioners in Crl.M.C.No.549/154 are A1 and A2 in Crime No.220/12 of the Museum Police Station, Thiruvananthapuram registered for the offences punishable under Sections 498A, 418, 420 and 116 read with Section 34 of the Indian Penal Code.

3. Petitioner in Crl.M.C.No.548/2015 has come up under Section 482 Cr.P.C. for getting Annexure-A final report

and all proceedings in Crime No.312/12 of the Museum Police Station, presently pending as C.C.247/2013 before the Chief Judicial Magistrate's Court, Thiruvananthapuram, quashed.

4. Petitioners in Crl.M.C.No.549/2015 have come up under Section 482 Cr.P.C. for getting Annexure-A FIR and all proceedings in Crime No.220/12 of the Museum Police Station, Thiruvananthapuram, quashed.

5. The allegations against the petitioners are 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.

6. Heard learned counsel for the petitioners, the learned counsel for the defacto complainant, who is the 2nd respondent in these Crl.M.Cs. and the learned Public Prosecutor.

7. 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.

8. 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 complaints against the petitioners, and, hence, all further proceedings in those matters 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.

9. Through a settlement the petitioner in Crl.M.C.No.549/2015 and the 2nd respondent are living together as husband and wife and are leading a peaceful

married life. Therefore, it is only just and expedient in the interest of justice to quash the proceedings referred to above.

In the result, these Crl.M.Cs. are allowed and Annexure-A final report and all proceedings in Crime No.312/12 of the Museum Police Station, presently pending as C.C.247/2013 before the Chief Judicial Magistrate's Court, Thiruvananthapuram and Annexure-A FIR and all proceedings in Crime No.220/12 of the Museum Police Station, Thiruvananthapuram, are hereby quashed.

Sd/- B.KEMAL PASHA, JUDGE

ul/-

[True copy]

P.S. to Judge