

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 28TH DAY OF JANUARY 2015/8TH MAGHA, 1936

Crl.MC.No. 554 of 2015

**CC 406/2009 of JUDICIAL FIRST CLASS MAGISTRATE COURT, RANNI
CRIME NO. 50/2008 OF PUMPA POLICE STATION , PATHANAMTITTA**

PETITIONER(S)/ACCUSED 1 & 2:

1. SAJI JACOB, AGED 40 YEARS,
S/O.CHACKO, VETTMURIYIL HOUSE, VELLIMALA MURI,
THULAPPILLY PO., PERUNADU RANNI,
PATHANAMTHITT A DISTRICT.
2. ALEYAMMA, AGED 71 YEARS, W/O.CHACKO,
VETTMURIYIL HOUSE, VELLIMALA MURI,
THULAPPILLY PO., PERUNADU RANNI,
PATHANAMTHITT A DISTRICT.

**BY ADVS. SRI.K.N.RADHAKRISHNAN (THIRUVALLA)
SRI.ARUN.BVARGHESE**

RESPONDENT(S)/STATE/COMPLAINANT:

1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.
2. ELMMA @ FLORY THOMAS, AGED 37 YEARS,
THARAMANNIL HOUSE, CHERUVALLIMANIMALA VILLAGE,
KANGIRAPPILLY TALUK, PIN-686507.

**R1 BY PUBLIC PROSECUTOR SRI.JIBU P..THOMAS
R2 BY ADV. SRI.ARUN.B.VARGHESE**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 28-01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

Crl.MC.No. 554 of 2015

APPENDIX

PETITIONERS' ANNEXURES

**ANNEXURE 1: CERTIFIED COPY OF CHARGE IN CC.406/2009 OF THE JFCM COURT,
RANNI-15**

ANNEXURE 2: COPY OF SETTLEMENT IN MEDIATION DATED 27/11/14

ANNEXURE 3: AFFIDAVIT OF R2

RESPONDENTS' ANNEXURE

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

B. KEMAL PASHA, J.

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Crl.M.C. No.554 of 2015
.....

Dated this the 28th day of January, 2015

ORDER

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This is a petition filed under Section 482 of the Code of Criminal Procedure.

2. Petitioners are the accused in Crime No.50/2008 of Pampa 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 final report in Crime No.50/2008 of Pampa Police Station as against the petitioners and all further proceedings based on it in C.C.406/2009 pending before the Judicial First Class Magistrate's Court, Ranni, 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 CrI.M.C. is allowed and Annexure-A1 final report in Crime No.50/2008 of Pampa Police Station as against the petitioners and all further proceedings based on it in C.C.406/2009 pending before the Judicial First Class Magistrate's Court, Ranni are hereby quashed.

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

aks/28/01

*// True Copy //*

*PA to Judge*