

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 11TH DAY OF FEBRUARY 2015/22ND MAGHA, 1936

Crl.MC.No. 647 of 2015

**CC 153/2015 ADDITIONAL CHIEF JUDICIAL MAGISTRATE COURT, ERNAKULAM.
FINAL REPORT NO. 1398/2012 OF ERNAKULAM TOWN NORTH POLICE STATION.**
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PETITIONER/ACCUSED:

**ARUN B, AGED 34 YEARS,
S/O.BALAN, MARTTASSERY HOUSE,
S.S.K.S.LANE, PALLIKKAVU TEMPLE ROAD,
VADUTHALA POST, CHERANALLUR VILLAE,
KOCHI-12.**

**BY ADVS.SRI.T.M.RAMAN KARTHA
SMT.O.A.NURIYA**

RESPONDENT(S)/COMPLAINANT & STATE:

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM,
KOCHI - 682 031.**
- 2. M.K.VIJI, AGED 31 YEARS,
D/O.KRISHNAN, MADEPPADY HOUSE,
KAVIL NADA, KOONNAMMAVU POST,
KOTTUVALLY VILLAGE, PARUR TALUK.**

**R1 BY PUBLIC PROSECUTOR SRI.JIBU P THOMAS
R2 BY ADV. SRI.P.T.SEBASTIAN TOMY**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 11-02-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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APPENDIX

PETITIONER(S)' ANNEXURES:

- ANNEXURE I- CERTIFIED COPY OF THE FINAL REPORT NO.1398/2012
DATED 26.7.2012.**
- ANNEXURE II- A TRUE COPY OF THE ORIGINAL PETITION NO.1262/2014
DATED 30.5.2014 BEFORE THE FAMILY COURT, ERNAKULAM.**
- ANNEXURE III- AFFIDAVIT FILED BY THE 2ND RESPONDENT DATED 29.1.2015.**

RESPONDENT(S)' ANNEXURES:

/TRUE COPY/

P.S. TO JUDGE

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B.KEMAL PASHA, J.

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Crl.M.C. No. 647 of 2015

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Dated this the 11th day of February, 2015

ORDER

Petitioner is the accused in Crime No.1082 of 2012 of the Ernakulam Town North Police Station registered for the offence punishable under Section 498A of the Indian Penal Code.

2. Petitioner has come up with this Crl.M.C. under Section 482 Cr.P.C. for getting Annexure-A1 Final Report in Crime No.1082/2012 of Ernakulam Town North Police Station and all proceedings based on it in C.C.No.153 of 2015 pending before the Additional Chief Judicial Magistrate's Court, Ernakulam, quashed.

3. The allegation against the petitioner is that he has tortured and harassed the defacto complainant, who is the wife of the petitioner, and treated her with cruelty within the meaning of Section 498A IPC, by demanding more dowry.

4. Heard learned counsel for the petitioner, the learned counsel for the defacto complainant, who is the 2nd respondent

herein, and the learned Public Prosecutor.

5. According to the petitioner, all the matters in dispute between the petitioner and the defacto complainant have been amicably settled and presently the defacto complainant has no complaints against the petitioner and, therefore, the proceedings against the petitioner 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 petitioner have been amicably settled and, therefore, she has no complaints against the petitioner, 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 petitioner, 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.1082/2012 of Ernakulam Town North Police Station and all further proceedings based on it in C.C.No.153 of 2015 pending before the Additional Chief Judicial Magistrate's Court, Ernakulam, are hereby quashed.

Sd/-
B.KEMAL PASHA, JUDGE

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