

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 12TH DAY OF FEBRUARY 2015/23RD MAGHA, 1936

Crl.MC.No. 655 of 2015 ()

**CC.NO. 657/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, VADAKARA
CRIME NO. 1653/2013 OF VADAKARA POLICE STATION , KOZHIKODE DISTRICT**

PETITIONER(S)/ACCUSED NO.1 TO 3 :

- 1. JITHESH, AGED 32 YEARS,
S/O GANGADHARA PANICKER, VADAKKEKARA HOUSE,
NOCHIPPOYIL, KUNNAMANGALAM (P.O),
KOZHIKODE DISTRICT,**
- 2. GANGADHARA PANICKER, AGED 79 YEARS,
S/O KUMARA PANICKER, NOCHIPPOYIL ,
KUNNAMANGALAM (P.O), KOZHIKODE DISTRICT.**
- 3. KOMALAVALLY, AGED 69 YEARS,
W/O.GANGADHARA PANICKER, NOCHIPPOYIL,
KUNNAMANGALAM (PO, KOZHIKODE DISTRICT.**

**BY ADVS.SRI.K.B.ARUNKUMAR
SRI.RANJIT BABU**

RESPONDENT(S)/STATE AND DEFACTO COMPLAINANT:-

- 1. STATE OF KERALA,
REPRESENTED THROUGH THE SUB INSPECTOR OF POLICE,
VATAKARA POLICE STARION, KOZHIKODE DISTRICT,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, PIN-682 032**
- 2. LINI, AGED 28 YEARS,
D/O LATE. K.P. VIJAYAN, KULANGARA PARAMBATH,
VILLYAPPALLY (P.O), VATAKARA, KOZHIKODE DISTRICT,
PIN-673 542**

**R1 BY PUBLIC PROSECUTOR SRI.JIBU P. THOMAS
R2 BY ADV. SRI.PRATHEESH.P**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 12-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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APPENDIX

ANNEX 1: THE CERTIFIED COPY OF THE FIR IN CRIME NO. 1653/2013 OF VATAKARA POLICE STATION

**ANNEX 2: THE CERTIFIED COPY OF THE FINAL REPORT IN C.C.NO. 657/2014
NOW PENDING ON THE FILE OF THE JUDICIAL FIRST CLASS
MAGISTRATE COURT, VATAKRA**

ANNEX 3: THE AFFIDAVIT DATDD 28.1.21015 EXECUTED BY THE 2ND RESPONDENT

RESPONDENT(S)' ANNEXURES:

NIL

/TRUE COPY/

P.A.TO.JUDGE

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B.KEMAL PASHA, J.

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Crl.M.C. No. 655 of 2015

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Dated this the 12th day of February, 2015

O R D E R

Petitioners are accused in Crime No.1653 of 2013 of the Vatakara Police Station registered for the offences punishable under Sections 406 and 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 FIR and Annexure A2 Final Report in Crime No.1653 of 2013 of the Vatakara Police Station and all further proceedings based on it in C.C.No.657 of 2014 pending before the Judicial First Class Magistrate's Court, Vatakara, 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, after misappropriating her entire gold ornaments and money.

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 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 FIR and Annexure A2 Final Report in Crime No.1653 of 2013 of the Vatakara Police Station and all further proceedings based on it in C.C.No.657 of 2014 pending before the Judicial First Class Magistrate's Court, Vatakara, are hereby quashed.

Sd/-
B.KEMAL PASHA, JUDGE

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