

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 25TH DAY OF FEBRUARY 2015/6TH PHALGUNA, 1936

Crl.MC.No.662 of 2015

(CRIME NO.69/2012 OF PATATANAKKAD POLICE STATION,ALAPPUZHA).

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PETITIONERS:

1. LIYOD MARSHAL,AGED 37 YEARS,
S/O.AUGUSTINE T.A.,'ELLOCIA',GLEN-ROCK COLONY,
NEAR MEBRON SCHOOL,NILGRIS,OOTY,
UDYOGAMANDALAM,TAMIL NADU.
2. AUGUSTINE.T.A,AGED 60 YEARS,
'ELLOCIA',GLEN-ROCK COLONY,
NEAR MEBRON SCHOOL,NILGRIS,OOTY,
UDYOGAMANDALAM,TAMIL NADU.
3. CICILY AUGUSTINE,AGED 55 YEARS
W/O.AUGUSTINE T.A.,'ELLOCIA',GLEN-ROCK COLONY,
NEAR MEBRON SCHOOL,NILGRIS,OOTY,
UDYOGAMANDALAM,TAMIL NADU.
4. ELIZABETH POPPY,AGED 35 YEARS,
W/O.VITUS JOSEPH,TOWER ONE,103,
SAKET TOWER,THANE WEST,MUMBAI - 400 601.
5. VITUS JOSEPH,AGED 44 YEARS,
S/O.VITUS JOSEPH,TOWER ONE,103,
SAKET TOWER,THANE WEST,MUMBAI - 400 601.

BY ADV.SRI.A.T.ANILKUMAR

RESPONDENTS:

1. STATE OF KERALA,REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,ERNAKULAM, PIN: 682 031.
2. MANCY PETER,AGED 30 YEARS,
W/O.LIYOD MARSHAL,PONVELI HOUSE,
KADAKKARAPPILLY P.O.
CHERTHALA,ALAPPUZHA,PIN: 688 529.

R1 BY PUBLIC PROSECUTOR SRI.JIBU P.THOMAS.

R2 BY ADV.SRI.T.S.SANTHOSH (NETTOORAN)

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD
ON 25-02-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Crl.MC.No.662 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

**ANNEXURE A:THE CERTIFIED COPY OF THE FIR IN CRIME NO.69/2012 OF
PATTANAKKADU POLICE STATION.**

**ANNEXURE B:THE CERTIFIED COPY CHARGE SHEET IN CRIME NO.69/2012 OF
PATTANAKKADU POLICE STATION.**

**ANNEXURE C:THE TRUE COPY OF THE AFFIDAVIT SWORN BY THE 2ND
RESPONDENT**

RESPONDENT'S ANNEXURES:

NIL

//TRUE COPY//

P.S. TO JUDGE

pk

B.KEMAL PASHA, J.

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Crl.M.C. No. 662 of 2015

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Dated this the 25th day of February, 2015.

ORDER

Petitioners are accused in Crime No.69 of 2012 of the Pattanakkadu Police Station registered for the offence punishable under Sections 498 A , 415, and 406 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-B Final report in Crime No.69 of 2012 of the Pattanakkadu Police Station and all further proceedings based on it, in C.C.No.399/2013 pending before the Judicial First Class Magistrate's Court-I, Cherthala, 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 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. Through a settlement, the 1st petitioner and the 2nd respondent are living together as husband and wife and are leading a peaceful married life.

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 Crl.M.C. is allowed and Annexure-B Final report in Crime No.69 of 2012 of the Pattanakkadu Police Station and all further proceedings based on it, in C.C.No.399/2013 pending before the Judicial First Class Magistrate's Court-I, Cherthala are hereby quashed.

B.KEMAL PASHA, J.
(Judge)

smm

