

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 13TH DAY OF MARCH 2015/22ND PHALGUNA, 1936

Cri.MC.No. 739 of 2015

C.C.NO.119/2014 OF CHIEF JUDICIAL MAGISTRATE'S COURT, ALAPPUZHA

PETITIONER(S)/ACCUSED 1 TO 3 :

1. **SANTHOSH THOMAS, AGED 33 YEARS,
SON OF T.C.THOMAS , THAIPARAMBIL HOUSE, POOMKAVU,
MARARIKULAM SOUTH, PATHIRAPALLY P.O, ALAPPUZHA- 688 521.**
2. **T.C.THOMAS,
SON OF CHACKO, THAIPARAMBIL HOUSE, POOMKAVU,
MARARIKULAM SOUTH, PATHIRAPALLY P.O, ALAPPUZHA- 688 521.**
3. **SOBY THOMAS,
WIFE OF T.C.THOMAS, THAIPARAMBIL HOUSE, POOMKAVU,
MARARIKULAM SOUTH, PATHIRAPALLY P.O, ALAPPUZHA- 688 521.**

**(THE 1ST PETITIONER IS REPRESENTED BY HIS FATHER AND DULY
CONSTITUTED ATTORNEY, THE 2ND RESPONDENT)**

BY ADV. SRI.R.AZAD BABU

RESPONDENT(S)/COMPLAINANTS :

1. **STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, COCHIN- 31.**
2. **ATHIRA DAVIS, AGED 26 YEARS,
DAUGHTER OF DAVIS, KOCHAKKANDAN HOUSE, KODAKARA P.O,
MUKUNDAPURAM TALUK, THRISSUR DISTRICT- 680 684.**

R1 BY PUBLIC PROSECUTOR SRI.JIBU.P.THOMAS

**R2 BY ADVS. SRI.G.D.PANICKER
SMT.JEENA JOSEPH
SMT. BEENA P JOSEPH**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 13-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' ANNEXURES :

- ANNEXURE A1:** CERTIFIED COPY OF THE FIR IN CRIME NO.667 OF 2013 DATED 26.04.2013 OF THE P.S. ALAPPUZHA NORTH.
- ANNEXURE A2:** CERTIFIED COPY OF THE FINAL REPORT IN CC.NO.119 OF 2014 DATED 29.07.2013 CHIEF JUDICIAL MAGISTRATE COURT, ALAPPUZHA.
- ANNEXURE A3:** TRUE COPY OF THE MEDIATION REPORT DATED 19.10.2013 EXECUTED BETWEEN THE PETITIONERS 1 AND 2 AND THE 2ND RESPONDENT.
- ANNEXURE A4:** TRUE COPY OF THE JUDGMENT DATED 02.05.2014 IN O.P.NO.1179 OF 2013 OF THE FAMILY COURT, ALAPPUZHA.
- ANNEXURE A5:** TRUE COPY OF THE ORDER DATED 30.10.2013 IN M.C.NO.49 OF 2013 OF THE FAMILY COURT, ALAPPUZHA.

RESPONDENT(S)' ANNEXURES :

NIL

//TRUE COPY//

P.S.TO JUDGE.

Msd.

B.KEMAL PASHA, J.

.....
CRL. M.C. No.739 of 2015

.....
Dated this the 13th day of March, 2015

ORDER

Petitioners are A1 to A3 in C.C.No.119/14 pending before the Chief Judicial Magistrate's Court, Alappuzha registered for the offences punishable under Section 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 the proceedings in C.C.No.119 of 2004 on the file of the Chief Judicial Magistrate's Court, Alappuzha, quashed.

3. The allegation against the petitioners is 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.

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 CrI.M.C. is allowed and all further proceedings based in C.C.No.119 of 2004 on the file of the Chief Judicial Magistrate's Court, Alappuzha, are hereby quashed.

Sd/- B.KEMAL PASHA, JUDGE

ul/-

[True copy]

P.S. to Judge