

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 1ST DAY OF APRIL 2015/11TH CHAITHRA, 1937

Crl.MC.No. 750 of 2015

**CC 2601/2013 OF JUDICIAL MAGISTRATE OF FIRST CLASS, KOTHAMANGALAM.
CRIME NO. 810/2013 OF KOTHAMANGALAM POLICE STATION, ERNAKULAM.**
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PETITIONER(S)/ACCUSED NO.1 TO 6:

- 1. ANOOP P., AGED 30 YEARS,
S/O.PALLIYAN, NADAKKARA HOUSE,
KEERAMPARA, KOTHAMANGALAM, ERNAKULAM.**
- 2. GEETHA, AGED 52 YEARS, W/O.PALLIYAN,
NADAKKARA HOUSE, KEERAMPARA,
KOTHAMANGALAM, ERNAKULAM.**
- 3. PALLIYAN, AGED 64 YEARS, NADAKKARA HOUSE,
KEERAMPARA, KOTHAMANGALAM, ERNAKULAM.**
- 4. ARUN, AGED 21 YEARS, S/O.PALLIYAN,
NADAKKARA HOUSE, KEERAMPARA,
KOTHAMANGALAM, ERNAKULAM.**
- 5. ANJU, AGED 25 YEARS, D/O.PALLIYAN,
NADAKKARA HOUSE, KEERAMPARA,
KOTHAMANGALAM, ERNAKULAM.**
- 6. THANKAPPAN, AGED 59 YEARS, S/O.THEVAN,
NADAKKARA HOUSE, KEERAMPARA,
KOTHAMANGALAM, ERNAKULAM.**

**BY ADVS.SRI.S.RAJEEV
SRI.K.K.DHEERENDRAKRISHNAN
SRI.V.VINAY**

RESPONDENT(S)/STATE/DEFACTO COMPLAINANT:

- 1. STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.
(CRIME NO. 810/2013 OF KOTHAMANGALAM
POLICE STATION, ERNAKULAM.)**

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**2. DIVYA PARAMESWARAN, AGED 29 YEARS,
D/O.PARAMESWARAN,. DIVYA BHAVAN,
COMPANIPPADY BHAGAM, THAIKKATTUKARA,
ALUVA WEST VILLAGE, ERNAKULAM - 683 106.**

**R1 BY PUBLIC PROSECUTOR SRI.JIBU P.THOMAS
R2 BY ADV. SRI.VINOD KUMAR.C**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 01-04-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

APPENDIX

PETITIONER'S ANNEXURES:

- ANNEXURE I :** TRUE COPY OF FIR IN CRIME NO.810/2013 OF
KOTHAMANGALAM POLICE STATION, ERNAKULAM DISTRICT.
- ANNEXURE II:** CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO.810/2013
OF KOTHAMANGALAM POLICE STATION,
ERNAKULAM DISTRICT.
- ANNEXURE III:** TRUE COPY OF THE SETTLEMENT DEED ENTERED INTO
BETWEEN THE PARTIES ON 23.6.2014.
- ANNEXURE IV:** AFFIDAVIT DATED 14.1.2015 SWORN BY THE SECOND
RESPONDENT.

RESPONDENT'S ANNEXURES: - NIL

/TRUE COPY/

P.S. TO JUDGE

mbr/

B. KEMAL PASHA, J.

.....
Crl.M.C. No.750 of 2015
.....

Dated this the 1st day of April, 2015

ORDER

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

2. Petitioners are accused Nos.1 to 6 in Crime No.810/2013 of Kothamangalam 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-I FIR and Annexure-II final report in Crime No.810/2013 of Kothamangalam Police Station as against the petitioners and all further proceedings based on it in C.C.2601/2013 pending before the Judicial First Class Magistrate's Court, Kothamangalam, 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-I FIR and Annexure-II final report in Crime No.810/2013 of Kothamangalam Police Station as against the petitioners and all further proceedings based on it in C.C.2601/2013 pending before the Judicial First Class Magistrate's Court, Kothamangalam are hereby quashed.

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

aks/01/04

//True copy//  
P.A to Judge.