

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 24TH DAY OF FEBRUARY 2015/5TH PHALGUNA, 1936

Crl.MC.No. 776 of 2015

CRIME NO. 832/2014 OF CHAKKARAKKALLU POLICE STATION , KANNUR DISTRICT

PETITIONER(S)/ACCUSED:

1. ARUN KUMAR,
S/O.SOMASEKHARAN, PLOT NUMBER 5, THIRUVALLUVAR SALLAI,
PADMANABHA NAGAR, POZHICHALOOR, CHENNAI-600 074.
2. SOMASEKHARAN,
PLOT NUMBER 5, THIRUVALLUVAR SALLAI, PADMANABHA NAGAR,
POZHICHALOOR, CHENNAI-600 074.
3. JAYAMANI,
W/O. SOMASEKHARAN, PLOT NUMBER 5, THIRUVALLUVAR SALLAI,
PADMANABHA NAGAR, POZHICHALOOR, CHENNAI-600 074.

BY ADV. SRI.P.K.RAVISANKAR

RESPONDENT(S)/STATE AND DEFACTO COMPLAINANT :

1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.
2. NIMISHA, AGED 21 YEARS,
D/O.MURALEEDHARAN, 'NIRMMALYAM', VALIYANNUR, VARAM POST,
KANNUR DISTRICT-670 594.

R1 BY PUBLIC PROSECUTOR SRI.JIBU.P.THOMAS
R2 BY ADV. SRI.D.ANIL KUMAR

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 24-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Msd.

Crl.MC.No. 776 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES :

**ANNEXURE A: TRUE COPY OF THE FIR TOGETHER WITH THE FIS IN
CRIME NO.832 OF 2014 OF CHAKKARAKKALLU POLICE.**

**ANNEXURE B: TRUE COPY OF THE AFFIDAVIT DATED 19.01.2015 OF
THE 2ND RESPONDENT.**

RESPONDENT(S)' ANNEXURES :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

B.KEMAL PASHA, J.

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Crl.M.C. No. 776 of 2015

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Dated this the 24th day of February, 2015

ORDER

Petitioners are accused in Crime No.832 of 2014 of the Chakkarakkallu Police Station, Kannur District, registered for the offence 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 Annexure-A FIR in Crime No.832 of 2014 of the Chakkarakkallu Police Station, Kannur District, and all proceedings against the petitioners pending before the Judicial First Class Magistrate's Court, Thalassery in the said Crime, 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. 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-A FIR in Crime No.832 of 2014 of the Chakkarakkallu Police Station, Kannur District, and all proceedings against the petitioners pending before the Judicial First Class Magistrate's Court, Thalassery in the said Crime, are hereby quashed.

Sd/-
B.KEMAL PASHA, JUDGE

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//True copy//

P.A to Judge