

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 2ND DAY OF MARCH 2015/11TH PHALGUNA, 1936

Crl.MC.No. 825 of 2015

**CRIME NO. 1469/2014 OF KAYAMKULAM POLICE STATION, ALAPPUZHA PENDING
BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT, KAYAMKULAM**
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PETITIONER(S)/ACCUSED 1 TO 4:

1. BIJU GANGADHARAN, AGED 37 YEARS,
S/O.GANGADHARAN, CHIRATHADAKAL VEEDU, PALLICKAL,
KIZHAKEKARA MURI, THEKKEKARA VILLAGE, MAVELIKARA.
2. RADHAMMA, AGED 60 YEARS,
W/O.GANGADHARAN, CHIRATHADAKAL VEEDU, PALLICKAL,
KIZHAKEKARA MURI, THEKKEKARA VILLAGE, MAVELIKARA.
3. GANGADHARAN, AGED 65 YEARS,
CHIRATHADAKAL VEEDU, PALLICKAL, KIZHAKEKARA MURI,
THEKKEKARA VILLAGE, MAVELIKARA.
4. BINDU, AGED 35 YEARS,
D/O.RADHAMMA, CHIRATHADAKAL VEEDU, PALLICKAL,
KIZHAKEKARA MURI, THEKKEKARA VILLAGE, MAVELIKARA.

BY ADV. SRI.VINCENT JOSEPH

RESPONDENT(S)/DEFACTO COMPLAINANT & STATE:

1. ANANDAKALESWARI G., AGED 27 YEARS,
D/O.JAGADAMMA, THAMARASSERIL VEEDU, KRISHNAPURAM MURI,
KRISHNAPURAM VILLAGE, KARTHIKAPPALLY TALUK,
ALAPPUZHA DISTRICT - 690 533.
2. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, PIN-682 031.

**R1 BY ADV. SMT.BHAVANA VELAYUDHAN
R2 BY PUBLIC PROSECUTOR SRI.JIBU P. THOMAS**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
02-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEXURE A1- TRUE COPY OF FIR IN CRIME NO.1469/2014 DATED 26.5.2014
PREPARED BY THE SUB INSPECTOR OF POLICE, KAYAMKULAM
POLICE STATION.**

**ANNEXURE A2- TRUE COPY OF THE COMPROMISE PETITION FILED BY THE
1ST PETITIONER AND 1ST RESPONDENT IN M.C.NO.4/2014 BEFORE
THE FAMILY COURT, MAVELIKARA.**

**ANNEXURE A3- ATTESTED COPY OF AFFIDAVIT SWORN BY THE 1ST RESPONDENT
BEFORE THE NOTARY PUBLIC DATED 17.1.2015.**

RESPONDENT(S)' ANNEXURES:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

B. KEMAL PASHA, J

Crl.M.C No.825 of 2015

Dated this the 2nd day of March, 2015

ORDER

Petitioners are the accused in Crime No.1469/2014 of the Kayamkulam Police Station, registered for the offence punishable under Sections 498(A) 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-I FIR in Crime No No.1469/14 of the Kayamkulam Police Station and all further proceedings based on it pending before the Judicial First Class Magistrate's Court, Kayamkulam, 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 1st 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 1st 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 complaint 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-I FIR in Crime No No.1469/14 of the Kayamkulam Police Station and all further proceedings baswed on it pending before the Judicial First Class Magistrate's Court , Kayamkulam quashed.

B. KEMAL PASHA, JUDGE

smm