

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 23RD DAY OF MARCH 2015/2ND CHAITHRA, 1937

Crl.MC.No. 865 of 2015 ()

CC. NO.633/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-I, HARIPPAD.

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PETITIONERS/ACCUSED NO.1 TO 3:

- 1. BIJU GEORGE, AGED 44 YEARS,
S/O.GEORGE, ST.GEORGE SADAN,
MULAVANA P.O., KUNDARA.**
- 2. GEORGE C.C., AGED 70 YEARS,
S/O.GEORGE, ST.GEORGE SADAN,
MULAVANA P.O., KUNDARA.**
- 3. OMANA GEORGE, AGED 60 YEARS,
W/O.GEORGE, ST.GEORGE SADAN,
MULAVANA P.O., KUNDARA.**

BY ADV. SRI.N.ASHOK KUMAR.

RESPONDENTS/DEFACTO COMPLAINANT:

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. BEENA BIJU, AGED 34 YEARS,
W/O.BIJU GEORGE, NJAKANAL MURI,
OACHIRA, KARUNAGAPPALLY.**

**R1 BY PUBLIC PROSECUTOR SRI.JIBU P.THOMAS.
R2 BY ADV. SRI.R.PADMAKUMAR.**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 23-03-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S ANNEXURES:-

- ANNEXURE A1. COPY OF THE COMPLAINT DATED 25.02.2012 BEFORE
THE JUDICIAL FIRST CLASS MAGISTRATE COURT-II.**
- ANNEXURE A2. COPY OF THE AFFIDAVIT OF 2ND RESPONDENT
DATED 28.01.2015 OF THE HONOURABLE HIGH COURT,
ERNAKULAM.**

RESPONDENT'S ANNEXURES:- NIL.

//TRUE COPY//

P.A. TO JUDGE

rs.

B. KEMAL PASHA, J.

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Crl.M.C. No.865 of 2015
.....

Dated this the 23rd day of March, 2015

ORDER

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The accused in C.C.No.633/2014 pending before the Judicial First Class Magistrate's Court-I, Harippad have come under Section 482 Cr.P.C. for getting all further proceedings in C.C.633/2014 pending before the Judicial First Class Magistrate's Court-I, Harippad, quashed.

2. The allegation against the petitioners is that they have tortured and harassed the de facto 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.

3. Heard learned counsel for the petitioners, the learned counsel for the de facto complainant, who is the 2nd respondent herein, and learned Public Prosecutor.

4. According to the petitioners, all the matters in

dispute between the petitioners and the de facto complainant have been amicably settled and presently, the de facto complainant has no complaints against the petitioners and, therefore, the proceedings against the petitioners may be quashed.

5. The de facto 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 de facto complainant also endorses the fact that the affidavit has been sworn in by the de facto complainant on her own volition.

6. Through the settlement, the petitioner and the 2nd respondent are living together as husband and wife and are leading a peaceful married life. When all the matrimonial

disputes have been settled between the parties and as the de facto 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 in C.C.633/2014 pending before the Judicial First Class Magistrate's Court-I, Harippad are hereby quashed.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/23/03

// True Copy //

PA to Judge