

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 16TH DAY OF MARCH 2015/25TH PHALGUNA, 1936

CrI.MC.No. 963 of 2015

C.C.NO.7/2014 of JUDICIAL FIRST CLASS MAGISTRATE COURT, KOOATHATUKULAM

PETITIONER(S) :

**SKARIA K.C @ CHACKO SKARIA, AGED 44 YEARS,
S/O.CHACKO, KATTAPURATH HOUSE, PANGODE P.O.,
VADAVUKODU (VIA.), ERNAKULAM DISTRICT, PIN - 682 310.**

**BY ADVS.SRI.LAL K.JOSEPH
SRI.A.A.ZIYAD RAHMAN
SRI.V.S.SHIRAZ BAVA
SRI.JOSEPH KURIAN VALLAMATTAM**

RESPONDENT(S) :

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.**
- 2. ASSISTANT POLICE COMMISSIONER,
CRIME DETACHMENT, KOCHI CITY- 682 017.**
- 3. SOFI SKARIA, AGED 47 YEARS,
W/O.SKARIA K.C., 36/2202, NEAR AJ HALL,
KALOOR, COCHIN - 17.**

**R1 & R2 BY PUBLIC PROSECUTOR SRI.JIBU.P.THOMAS
R3 BY ADV. SRI.GANESH G.PILLAI**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 16-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' ANNEXURES :

**ANNEXURE A1: THE CERTIFIED COPY OF THE CHARGE SHEET IN C.C. 7/2014
ON THE FILE OF JUDICIAL FIRST CLASS MAGISTRATE COURT,
KOOHATTUKULAM.**

**ANNEXURE A2: TRUE COPY OF THE MEMORANDUM OF AGREEMENT
DATED 23/08/2014 EXECUTED BETWEEN THE PETITIONER AND
THE 3RD RESPONDENT BEFORE THE ERNAKULAM MEDIATION
CENTRE.**

RESPONDENT(S)' ANNEXURES :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

B. KEMAL PASHA, J.

.....
Crl.M.C. No.963 2015
.....

Dated this the 16th day of March, 2015

ORDER

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

2. Petitioner is the accused in Crime No.16/2012 of Koothattukulam Police Station registered for the offence punishable under Section 498A of the Indian Penal Code.

3. Petitioner has come up with this petition under Section 482 Cr.P.C. for getting Annexure-A1 Final Report in Crime No.16/2012 of Koothattukulam Police Station as against the petitioner and all further proceedings based on it in C.C.7/2014 pending before the Judicial First Class Magistrate's Court, Koothattukulam, quashed.

4. The allegation against the petitioner is that he has tortured and harassed the de facto complainant, who is his wife, and treated her with cruelty within the meaning of

Section 498A IPC, by demanding more dowry.

5. According to the petitioner, all the matters in dispute between the petitioner and the defacto complainant have been amicably settled in mediation and presently, the defacto complainant has no complaints against the petitioner and, therefore, the proceedings against the petitioner may be quashed.

6. The defacto complainant, who is the 3<sup>rd</sup> respondent herein, has filed an affidavit affirming that all the matters in dispute between her and the petitioner have been amicably settled and, therefore, she has no complaints against the petitioner and, therefore, all further proceedings in the matter referred to above can be quashed. She has entered appearance through her counsel.

7. When all the matrimonial disputes have been settled between the parties and as the defacto complainant has no complaints against the petitioner, 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-A1 Final Report in Crime No.16/2012 of Koothattukulam Police Station as against the petitioner and all further proceedings based on it in C.C.7/2014 pending before the Judicial First Class Magistrate's Court, Koothattukulam are hereby quashed.

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

aks/16/03

*// True Copy //*

*PA to Judge*