

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 3RD DAY OF MARCH 2015/12TH PHALGUNA, 1936

Crl.MC.No. 991 of 2015

**CRIME NO. 226/2014 OF CHIRAYINKEEZHU POLICE STATION,
THIRUVANANTHAPURAM.**
.....

PETITIONER(S)/COMPLAINANT:

1. SUMESH, AGED 33,
S/O.MOHANAN, SAROJA MANDIRAM,
PURAVOOR KIZHUVILAM,
THIRUVANANTHAPURAM.
2. BABY SAROJA, AGED 52 YEARS,
W/O.MOHANAN, SAROJA MANDIRAM,
PURAVOOR KIZHUVILAM,
THIRUVANANTHAPURAM.

BY ADV. SRI.M.R.SARIN

RESPONDENT(S)/ACCUSED:

1. THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.
2. NISHA, AGED 26 YEARS, S/O.NADARAJAN,
PARAKUNNU MADATHIL VEEDU, NAVAIKULAM VEEDU,
VARKALA, THIRUVANANTHAPURAM - 695 001.

**R1 BY PUBLIC PROSECUTOR SRI.JIBU P THOMAS
R2 BY ADV. SRI.AJAYA KUMAR. G**

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

mbr/

Crl.MC.No. 991 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEXURE A1- CERTIFIED COPY OF THE FIR NO.226/14 OF CHIRAYINKIL
POLICE STATION.**

ANNEXURE A2- TRUE COPY OF AFFIDAVIT FILED BY THE 2ND RESPONDENT.

RESPONDENT(S)' ANNEXURES: - NIL

/TRUE COPY/

P.S. TO JUDGE

mbr/

B.KEMAL PASHA, J.

=====

CRL.M.C. No.991 of 2015

=====

Dated this the 3rd day of March, 2015

ORDER

Petitioners are A1 and A3 in Crime No.226 of 2014 of the Chirayinkil Police Station 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-A1 First Information Report in Crime No.226 of 2014 of the Chirayinkil Police Station and all further proceedings based on it, 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-A1 First Information Report in Crime No.226 of 2014 of the Chirayinkil Police Station and all further proceedings based on it, are hereby quashed.

Sd/-
B.KEMAL PASHA
JUDGE

DSV/4/3/15

// True Copy //

P.A. To Judge