

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 4TH DAY OF MARCH 2015/13TH PHALGUNA, 1936

Crl.MC.No. 998 of 2015 ()

**CC.NO. 736/2012 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, KAYAMKULAM
CRIME NO. 1269/2010 OF KAYAMKULAM POLICE STATION ,ALAPPUZHA DISTRICT**

PETITIONER(S)/1 TO 3 ACCUSED :

- 1. LEJIKUMAR, AGED 39 YEARS,
S/O. PANKAJAKSHAN, VALEL PADEETTATHIL (H),
MALAMEL BHAGAM MURI, KEERIKADU VILLAGE,
ALAPPUZHA DISTRICT.**
- 2. RETNAMMA, AGED 69 YEARS,W/O. PANKAJAKSHAN,
VALEL PADEETTATHIL (H), MALAMEL BHAGAM MURI,
KEERIKADU VILLAGE, ALAPPUZHA DISTRICT.**
- 3. LEKHA SANTHOSH, AGED 38 YEARS,
D/O. PANKAJAKSHAN, PUTHENPURA MODIYIL (H)
KARAKODU P.O., ALAPPUZHA DISTRICT.**

BY ADV. SMT.G.VIDYA

RESPONDENT(S)/COMPLAINANT:

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. SMITHA, AGED 35 YEARS,
D/O. THANKAMANI, PANAKKAMANNEL (H),
KIZHAKKEKARA THEKKUM MURI, ARATTUPUZHA VILLAGE,
ALAPPUZHA DISTRICT-690 515.**

**R1 BY PUBLIC PROSECUTOR SRI.JIBU P. THOMAS
R2 BY ADV. SRI.JESWIN P.VARGHESE**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 04-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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Crl.MC.No. 998 of 2015 ()

APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEX 1 : CERTIFIED COPY OF FINAL REPORT IN CRIME NO.1269/2010 OF
KAYAMKULAM POLICE STATION, DTD. 15.11.2010.**

ANNEX 2 : COPY OF THE AGREEMENT DTD. 29.1.2015.

ANNEX 3 : COPY OF THE AFFIDAVIT OF THE 2ND RESPONDENT, DTD. 29.1.2015.

RESPONDENT(S)' ANNEXURES:

NIL

/TRUE COPY/

P.A.TO.JUDGE

sts

B.KEMAL PASHA, J.

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CRL.M.C. No.998 of 2015

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Dated this the 4th day of March, 2015

ORDER

Petitioners are A1 to A3 in Crime No.1269 of 2010 of the Kayamkulam Police Station, registered for the offences punishable under Sections 498A and 406 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-1 Final Report in Crime No.1269 of 2010 of the Kayamkulam Police Station and all further proceedings based on it in C.C.No.736 of 2012 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 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 CrI.M.C. is allowed and Annexure-1 Final Report in Crime No.1269 of 2010 of the Kayamkulam Police Station and all further proceedings based on it, in C.C.No.736 of 2012 pending before the Judicial First Class Magistrate's Court, Kayamkulam, are hereby quashed.

Sd/-

B.KEMAL PASHA
JUDGE

DSV/4/3/15

// True Copy //

P.A. To Judge

CRL.M.C.No.998 of 2015

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