

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 4TH DAY OF AUGUST 2015/13TH SRAVANA, 1937

Cr1.MC.No. 1032 of 2015

AGAINST MC 165/2013 of J.M.F.C.- I, OTTAPALAM

CRIME NO. 1500/2013 OF OTTAPALAM POLICE STATION, PALAKKAD

PETITIONERS/RESPONDENTS NO.1 TO 4:

1. LAKSHMANAN, AGED 65 YEARS,
S/O.ANNAMALAI, ANGADIYIL MUTHALIYAR THERUVU,
NEAR MARIYAMMAN KOVIL, PALAPPURAM, OTTAPALAM
PALAKKAD DISTRICT.
2. MARIKUTTY, W/O.LAKSHMANAN, AGED 60 YEARS,
ANGADIYIL MUTHALIYAR THERUVU, NEAR MARIYAMMAN KOVIL,
PALAPPURAM, OTTAPALAM, PALAKKAD DISTRICT.
3. KAVITHA, W/O.HARI, AGED 33 YEARS,
ANGADIYIL MUTHALIYAR THERUVU, NEAR MARIYAMMAN KOVIL,
PALAPPURAM, OTTAPALAM, PALAKKAD DISTRICT.
4. HARI, S/O.MANI AGED 38 YEARS
CHAKKAN THODI, PALAPPURAM THERUV,
PALAPPURAM (PO) OTTAPALAM, PALAKKAD DISTRICT.

BY ADVS.SRI.K.B.ARUNKUMAR
SRI.RANJIT BABU

RESPONDENTS/STATE AND COMPLAINANT:

1. STATE OF KERALA
REPRESENTED THROUGH THE SUB INSPECTOR OF
POLICE, OTTAPALAM POLICE STATION,
PALAKKAD DISTRICT REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, PIN-682 031.
2. SHOBANA, W/O.BABURAJ,
ANGADIYIL MUTHALIYAR THERUVU,
NEAR MARIYAMMAN KOVIL, PALAPPURAM, OTTAPALAM,
PALAKKAD DISTRICT - 678 301.

R2 BY ADV. SRI.P.JAYARAM
R1 BY PUBLIC PROSECUTOR SMT.S.HYMA

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON
04-08-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Cr1.MC.No. 1032 of 2015

APPENDIX

PETITIONERS' ANNEXURES:

ANNX.1 - COPY OF THE COMPLAINT DATED 02-09-2013 FILED BEFORE THE
MAINTENANCE TRIBUNAL, OTTAPALAM NUMBERED AS H 6863/2013

ANNX.2 - COPY OF THE COMPLAINT DATED 09-09-2013 FILED BEFORE THE
JUDICIAL FIRST CLASS MAGISTRATE COURT, OTTAPALAM NUMBERED AS
M.C.NO.153/2013

ANNX.3 - COPY OF THE JUDGMENT IN OS NO.338/2013 ON THE FILE OF
MUNSIFF COURT, OTTAPALAM.

ANNX.4 - COPY OF THE COMPLAINT FILED BY THE 2ND RESPONDENT BEFORE
THE JUDICIAL FIRST CLASS MAGISTRATE COURT, OTTAPALAM.

ANNX.5 - COPY OF THE FIR IN CRIME NO.1500/2013 OF OTTAPALAM
POLICE STATION

ANNX.6 - COPY OF THE FINAL REPORT IN CC NO.526/2014 NOW PENDING
ON THE FILE OF JUDICIAL FIRST CLASS MAGISTRATE COURT, OTTAPALAM.

ANNX.7 - COPY OF THE COMPLAINT NUMBERED AS M.C.NO.165/2013 NOW
PENDING ON THE FILE OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT,
OTTAPALAM.

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

ab

P.UBAID, J.

Crl.M.C No.1032 of 2015

Dated this the 4th day of August, 2015

O R D E R

The proceedings in M.C No.165/2013 before Judicial First Class Magistrate Court, Ottapalam brought under Section 12 of the Protection of Women from Domestic Violence Act (for short 'the DV Act') is sought to be quashed under Section 482 of the Cr.P.C on certain grounds. When this Court asked a question to the learned counsel whether such a proceeding brought under the DV Act can be quashed by the High Court in exercise of the powers under Section 482 of the Cr.P.C, the learned counsel sought permission to withdraw the proceeding with liberty to file an original petition before this Court under Article 227 of the Constitution of India. Of course, such a course is possible, and it is the right course. Hence, the submission is recorded, and the Crl.M.C is dismissed without prejudice to the right of the petitioners to bring an original petition for the relief under Article 227 of the Constitution of India. The petitioners are permitted to take back the documents produced in this Crl.M.C, for filing proper petition.

**P.UBAID
JUDGE**

ab