

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 2ND DAY OF MARCH 2015/11TH PHALGUNA, 1936

Crl.MC.No. 1052 of 2015 ()

**AGAINST THE ORDER/JUDGMENT IN CC 779/2013 of J.M.F.C.-II, KOLLAM
CRIME NO. 1025/2013 OF ERAVIPURAM POLICE STATION KOLLAM**

PETITIONER(S)/1 & 3RD ACCUSED:

- 1. SUNIL KUMAR, AGED 43 YEARS, S/O.VISWAMBARAN,
NOW RESIDING AT CHARUVILAPUTHANVEEDU,
MELE PANTHALAMOOKU, PULLIPPARA, KADAKKAL VILLAGE,
KOLLAM.**
- 2. CHELLAMMA, AGED 66 YEARS, W/O.VISWAMBARAN,
NOW RESIDING AT CHARUVILAPUTHANVEEDU,
MELE PANTHALAMOOKU, PULLIPPARA, KADAKKAL VILLAGE,
KOLLAM.**
- 3. REENA, AGED 38 YEARS, W/O.ANIMON,
NOW RESIDING AT CHARUVILAPUTHANVEEDU,
MELE PANTHALAMOOKU, PULLIPPARA, KADAKKAL VILLAGE,
KOLLAM.**

BY ADV. SRI.V.A.AJIVASS

RESPONDENT(S)/COMPLAINANT:

- 1. ASWATHY, AGED 34 YEARS, D/O.SUMEDA, RESIDING AT NIRVREDY
NETHAJI NAGAR - 23, AKOLLI CHERRY
ERVIPURAM VILLAGE KOLLAM DISTRICT - 691 011.**
- 2. STATE OF KERALA REPRESENTED BY THE SUB INSPECTOR OF POLICE
ERAVIPURAM POLICE STATION
ERNAKULAM DISTRICT THROUGH THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**

R1 BY ADV. SMT.M.MANJU (KADAKKAL)

R2 BY PUBLIC PROSECUTOR SRI.JIBU P. THOMAS

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 02-03-
2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Crl.MC.No. 1052 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNX. A: TRUE COPY OF THE CHARGE SHEET IN CRIME NO. 1025/2013 OF
 ERAVIPURAM POLICE STATION IN C.C.NO.779/2013 OF J.F.C.M II,
 KOLLAM DISTRICT**

ANNX.B: TRUE COPY OF AFFIDAVIT SWORN TO BY THE 1ST RESPONDENT

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

P.A. TO JUDGE

STK

B.KEMAL PASHA, J.

Crl.M.C. No.1052 of 2015

Dated this the 2nd day of March 2015

ORDER

This is a petition filed under Section 482 of the Code of Criminal Procedure seeking to quash Annexure A final report in Crime No.1025/2013 of Eravipuram Police Station and the proceedings in C.C. No.779/2013 of the Judicial First class Magistrate's Court-II, Kollam, as against the petitioners. Alleging cruelty within the meaning of Section 498A read with Section 34 of the Indian Penal Code, on the wife of the first petitioner, a crime was registered as Crime No.1025/2013 for the offence under Section 498A read with Section 34 of the Indian Penal Code. The final report was filed in the matter and presently, the same is pending before the Judicial First class Magistrate's Court-II,

Kollam, as C.C. No.779/2013.

2. All the disputes between the parties have been amicably settled in the mediation. Presently the de-facto complainant, who is the first respondent herein, and the first petitioner are residing together as wife and husband. Annexure-B affidavit has also been produced to show that the de-facto complainant has presently no complaint, as against the petitioners.

3. The de-facto complainant, who is the first respondent herein, has also entered appearance. The learned counsel for the first respondent also submits that the matter has been amicably settled and the parties are living together peacefully at present. Considering the settlement arrived at in the mediation and the fact that they have resolved all the disputes between them and are residing together, I am of the view that this is a fit case wherein Annexure A final report in Crime No.1025/2013 of Eravipuram Police Station and the proceedings based on it in C.C.

No.779/2013 of the Judicial First class Magistrate's Court-II, Kollam, can be quashed under Section 482 of Code of Criminal Procedure.

In the result, this Crl.M.C. is allowed and Annexure A final report in Crime No.1025/2013 of Eravipuram Police Station and the proceedings based on it in C.C. No.779/2013 of the Judicial First class Magistrate's Court-II, Kollam, are quashed.

Sd/-
B.KEMAL PASHA,
JUDGE

dl

// TRUE COPY //

PA to Judge