

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

CrI.MC.No. 1061 of 2015 ()

CRIME NO. 768/2013 OF MUSEUM POLICE STATION, THIRUVANANTHAPURAM

PETITIONERS/ACCUSED 1 &2 :

- 1. BABU
S/O.RAVEENDRAN NAGIN, SAI FARMS, ANNA NAGAR
SWAMI CHETTI PALAYAM, COIMPATHOOR, PIN - 641 025.**
- 2. NAGALEKSHMI, SAI FARMS
ANNA NAGAR, SWAMI CHETTI PALAYAM
COIMPATHOOR, PIN - 641 025.**

BY ADV. SRI.G.SUDHEER

RESPONDENTS/STATE & DE FACTO COMPLAINANT :

- 1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**
- 2. ASHA S. PANIKER,
D/O.N.CHANDRASEKHARA PANIKER
TC.16/39, KLRA 87, JAGATHI P.O.
THIRUVANANTHAPURAM-695 001.**

**R1 BY PUBLIC PROSECUTOR SRI. JIBU P. THOMAS
R2 BY ADV. SRI.S.K.VINOD**

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

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...2/-

Crl.MC.No. 1061 of 2015 ()

APPENDIX

PETITIONERS' ANNEXURES :

**ANNEXURE A- TRUE COPY OF THE FIR & COPY OF CMP 2526/13 IN CRIME
 NO. 768/2013 OF THE MUSEUM POLICE STATION PENDING
 BEFORE THE CJM COURT, THIRUVANANTHAPURAM.**

**ANNEXURE B- AFFIDAVIT SWORN IN BEFORE THE NOTARY PUBLIC BY
 SECOND RESPONDENT.**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

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B.KEMAL PASHA, J.

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Crl.M.C. No. 1061 of 2015

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Dated this the 3rd day of March, 2015

ORDER

Petitioners are accused in Crime No.768 of 2013 of the Museum 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-A FIR in Crime No.768 of 2013 of the Museum Police Station and all further proceedings based on it in CMP.No.2526 of 2013 pending before the Chief Judicial Magistrate's Court, Thiruvananthapuram, 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-A FIR in Crime No.768 of 2013 of the Museum Police Station and all further proceedings in CMP.No.2526 of 2013 pending before the Chief Judicial Magistrate's Court, Thiruvananthapuram, are hereby quashed.

Sd/-
B.KEMAL PASHA, JUDGE

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//True copy//

P.A to Judge