

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 24TH DAY OF MARCH 2015/3RD CHAITHRA, 1937

CrI.MC.No. 1096 of 2015 ()

**CC.NO. 1169/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, PERAMBRA
CRIME NO. 639/2013 OF PERAMBRA POLICE STATION , KOZHIKODE DISTRICT**

PETITIONER/ACCUSED:

**SHYAM KUMAR,
S/O.PADMANABHAN NAMBIAR,AGED 40 YEARS,
"VRINDAVANAM", ERAVATTOOR VILLAGE,
KOYILANDY TALUK, KOZHIKODE DISTRICT.**

BY ADV. SRI.K.P.SUDHEER

RESPONDENT(S)/STATE & COMPLAINANT:

- 1. THE STATE OF KERALA,
REPRESENTED BY ITS PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM,
REPRESENTING SUB INSPECTOR OF POLICE,
PERAMBRA POLICE STATION, KOZHIKODE DISTRICT,
PIN-673 525.**
- 2. SMINI, AGED 38 YEARS,
D/O.DAMODARAN NAIR, VRINDAVANAM,
ERAVATTOOR P.O-673 525,
KOYILANDY, KOZHIKODE DISTRICT.**

**R1 BY PUBLIC PROSECUTOR SRI.JIBU P. THOMAS
R2 BY ADV. SRI.ARUN MATHEW VADAKKAN**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 24-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

sts

Crl.MC.No. 1096 of 2015 ()

APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEX A1 : CERTIFIED COPY OF FIRST INFORMATION REPORT DATED 20-07-2013
IN CRIME NO.639/2013 OF PRAMBRA POLICE STATION.**

**ANNEX A2 : CERTIFIED COPY DATED 31-08-2013 IN CRIME NO.639/2013 OF
PERAMBRA POLICE STATION.**

ANNEX A3 : AFFIDAVIT DATED 28-01-2015 OF THE 2ND RESPONDENT.

RESPONDENT(S)' ANNEXURES:

NIL

/TRUE COPY/

P.A.TO.JUDGE

sts

B.KEMAL PASHA, J.

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CRL.M.C. No.1096 of 2015

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Dated this the 24th day of March, 2015

ORDER

Petitioner is accused in Crime No.639 of 2013 of the Perambra Police Station, Kozhikode District, registered for the offences punishable under Sections 498A and 406 of the Indian Penal Code.

2. Petitioner has come up with this Crl.M.C. under Section 482 Cr.P.C. for getting Annexure-A1 First Information Report and Annexure-A2 Final Report in Crime No.639 of 2013 of the Perambra Police Station, Kozhikode District, and all further proceedings based on it in C.C.No.1169 of 2014 pending before the Judicial First Class Magistrate's Court-I, Perambra, quashed.

3. The allegation against the petitioner is that he

has tortured and harassed the defacto complainant, who is his wife, and treated her with cruelty within the meaning of Section 498A IPC, by demanding more dowry.

4. Heard learned counsel for the petitioner, the learned counsel for the defacto complainant, who is the 2nd respondent herein, and the learned Public Prosecutor.

5. According to the petitioner, all the matters in dispute between the petitioner and the defacto complainant have been amicably settled and presently the defacto complainant has no complaints against the petitioner and, therefore, the proceedings against the petitioner 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 petitioner have been amicably settled and, therefore, she has no complaints against the petitioner, 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 petitioner, 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 and Annexure-A2 Final Report in Crime No.639 of 2013 of the Perambra Police Station, Kozhikode District, and all further proceedings based on it in C.C.No.1169 of 2014 pending before the Judicial First Class Magistrate's Court-I, Perambra are hereby quashed.

Sd/-

B. KEMAL PASHA
JUDGE

