

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 19TH DAY OF MARCH 2015/28TH PHALGUNA, 1936

Crl.MC.No. 1200 of 2015

**CC 318/2015 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-I, HOSDRUG
CRIME NO. 116/2012 OF RAJAPURAM POLICE STATION, KASARGOD**
.....

PETITIONER(S)/ACCUSED:

**BIJU @ KUTTAN, AGED 37 YEARS,
S/O ULAHANNAN, MAROTTITHADATHIL HOUSE, KOLIYAR,
EDATHODE, PARAPPA VILLAGE AND POST, KASARGOD.**

BY ADV. SRI.A.ARUNKUMAR

RESPONDENT(S)/DEFACTO COMPLAINANT/STATE:

- 1. ANNAMMA JOSE, AGED 61 YEARS,
W/O.K.C.JOSE, KAROTTUPULIKKAL HOUSE,
ONNAMMAIL, RAJAPURAM, KALLAR VILLAGE,
KASARAGOD.**
- 2. ANIMOL K.JOSE, AGED 33 YEARS,
KAROTTUPULIKKAL HOUSE, ONNAMMAIL,
RAJAPURAM, KALLAR VILLAGE, KASARAGOD.**
- 3. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**

**R1 & R2 BY ADV. SRI.V.MADHUSUDHANAN
R3 BY PUBLIC PROSECUTOR SRI.JIBU P. THOMAS**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
19-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEXURE A1: A TRUE COPY OF THE FIR IN CRIME NO.116 OF 2012 OF RAJAPURAM
POLICE STATION.**

**ANNEXURE AII: A TRUE COPY OF THE FINAL REPORT IN CRIME NO.116 OF 2015 OF
RAJAPURAM POLICE STATION.**

**ANNEXURE AIII: A TRUE COPY OF THE AGREEMENT EXECUTED BETWEEN THE
PETITIONER AND THE 2ND RESPONDENT.**

**ANNEXUE AIV: A TRUE COPY OF THE AFFIDAVIT SWORN TO BY THE
1ST RESPONDENT ENDORSING THE FACTUM OF COMPOUNDING OF
THE SAID OFFENCES AND THE SETTLEMENT OF THE DISPUTES.**

**ANNEXURE AIV: A TRUE COPY OF THE AFFIDAVIT SWORN TO BY THE
1ST RESPONDENT ENDORSING THE FACTUM OF COMPOUNDING OF
THE SAID OFFENCES AND THE SETTLEMENT OF THE DISPUTES.**

RESPONDENT(S)' ANNEXURES:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

B.KEMAL PASHA, J.

Crl.M.C. No.1200 of 2015

Dated this the 19th day of March 2015

ORDER

Petitioner, who is the accused in Crime No.116/2012 Rajapuram Police Station registered for the offence punishable under Section 498A read with Section 34 of the Indian Penal Code, has come up with this Crl.M.C. under Section 482 Cr.P.C. for getting Annexure-AII final report in above crime and all further proceedings based on it in C.C.318/2015 now pending before the Judicial First Class Magistrate's Court-I, Hosdurg, quashed.

2. 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.

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

4. 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.

5. 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.

6. 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-AII final report in crime No.116/2012 of Rajapuram police station and all further proceedings based on it in C.C.318/2015 now pending before the Judicial First Class Magistrate's Court-I, Hosdurg, are quashed.

Sd/-
B.KEMAL PASHA,
JUDGE

dl

// TRUE COPY //

PA to Judge