

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 23RD DAY OF MARCH 2015/2ND CHAITHRA, 1937

Crl.MC.No. 1264 of 2015

C.C.NO.670/2009 OF JUDICIAL FIRST CLASS MAGISTRATE COURT,THAMARASSERY

CRIME NO. 281/2009 OF KODUVALLY POLICE STATION , KOZHIKODE DISTRICT

PETITIONER(S)/1ST ACCUSED :

**SADANANDAN, AGED 52 YEARS,
S/O.LATE KARAPPAN, KUNDUPARAMB HOUSE, P.O.PARAVOOR,
THALAPPILLY TALUK, THRISSUR DISTRICT.**

BY ADV. SRI.LUIZ GODWIN D'COUTH

RESPONDENT(S)/STATE & DEFACTO COMPLAINANT :

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. ANITHA, AGED 44 YEARS,
D/O.LATE UPPERAN, KUMBALATHIL HOUSE, PORNGOTTOOR,
VAVAD P.O., KODUVALLY VIA, KOZHIKODE DISTRICT- 673 020.**

**R1 BY PUBLIC PROSECUTOR SRI.JIBU.P.THOMAS
R2 BY ADV. SRI.JOSE KURIAKOSE (VILANGATTIL)**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 23-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' ANNEXURES :

- ANNEXURE 1:** TRUE COPY OF THE FIR IN CRIME NO. 281/2009 OF KODUVALLY POLICE STATION.
- ANNEXURE 2:** CERTIFIED COPY OF THE FINAL REPORT IN C.C.NO. 670/2009.
- ANNEXURE 3:** AFFIDAVIT SWORN IN BY THE 2ND RESPONDENT ON 16-02-2015.

RESPONDENT(S)' ANNEXURES :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

B. KEMAL PASHA, J.

.....
Crl.M.C. No.1264 of 2015
.....

Dated this the 23rd day of March, 2015

ORDER

~ ~ ~ ~ ~

This is a petition filed under Section 482 of the Code of Criminal Procedure.

2. Petitioner is the 1st accused in Crime No.281/2009 of Koduvally Police Station registered for the offences punishable under Sections 498A and 506(i) read with Section 34 of the Indian Penal Code.

3. Petitioner has come up with this petition under Section 482 Cr.P.C. for getting Annexure-1 FIR and Annexure-2 Final Report in Crime No.281/2009 of Koduvally Police Station as against the petitioner and all further

proceedings based on it in C.C.670/2009 pending before the Judicial First Class Magistrate's Court-I, Thamarassery, quashed.

4. The allegation against the petitioner is that he has tortured and harassed the de facto complainant, who is his wife, and treated her with cruelty within the meaning of Section 498A IPC, by demanding more dowry.

5. Heard learned counsel for the petitioner, the learned counsel for the de facto complainant, who is the 2nd respondent herein, and learned Public Prosecutor.

6. According to the petitioner, all the matters in dispute between the petitioner and the de facto complainant have been amicably settled and presently, the de facto complainant has no complaints against the petitioner and, therefore, the proceedings against the petitioner may be quashed.

7. The de facto 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, therefore, all further proceedings in the matter referred to above can be quashed. She has entered appearance through her counsel. The learned counsel for the de facto complainant also endorses the fact that the affidavit has been sworn in by the de facto complainant on her own volition.

8. Through the settlement, the petitioner and the 2nd respondent are living together as husband and wife and are leading a peaceful married life. When all the matrimonial disputes have been settled between the parties and as the de facto 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 CrI.M.C. is allowed and Annexure-1 FIR and Annexure-2 Final Report in Crime No.281/2009 of Koduvally Police Station as against the petitioner and all

further proceedings based on it in C.C.670/2009 pending before the Judicial First Class Magistrate's Court-I, Thamarassery are hereby quashed.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/23/03

// True Copy //

PA to Judge