

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 13TH DAY OF MARCH 2015/22ND PHALGUNA, 1936

Crl.MC.No. 1284 of 2015 ()

CC.NO. 115/2011 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-I, VARKALA

PETITIONER/ACCUSED :

**BINU, AGED 32,
S/O.MOHANDAS, BINU HOUSE, PANTHUKALAM
PALAMKONAM, VARKALA, THIRUVANANTHAPURAM.**

BY ADV. SRI.SHAJIN S. HAMEED

RESPONDENTS/STATE & CW1 :

**1. STATE OF KERALA
REPRESENTED BY THE SUB INSPECTOR OF POLICE
KADAKKAVOOR POLICE STATION
REPRESENTED THROUGH THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.**

**2. LIJI, AGED 31,
D/O.JAYANTHI, THUNDIL VEEDU,
NEAR AYANTHIVILA TEMPLE
KADAKKAVOOR VILLAGE, VARKALA
THIRUVANANTHAPURAM, PIN - 695 141.**

**R1 BY PUBLIC PROSECUTOR SRI.JIBU P. THOMAS
R2 BY ADV. SRI.A.K.RAJESH**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 13-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

...2/-

Crl.MC.No. 1284 of 2015 ()

APPENDIX

PETITIONERS' ANNEXURES :

**ANNEXURE A: CERTIFIED COPY OF THE FIR IN CRIME NO.500/2010 OF
KADAKKAVOOR POLICE STATION.**

**ANNEXURE B: CERTIED COPY OF THE FINAL REPORT IN CRIME NO.500/2010
OF KADAKKAVOOR POLICE STATION.**

ANNEXURE C: AFFIDAVIT EXECUTED BY THE 2ND RESPONDENT/CW1.

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

B. KEMAL PASHA, J.

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Crl.M.C. No.1284 of 2015
.....

Dated this the 13th day of March, 2015

ORDER

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

2. Petitioner is the accused in Crime No.500/2010 of Kadakkavoor Police Station registered for the offence punishable under Section 498A of the Indian Penal Code.

3. Petitioner has come up with this petition under Section 482 Cr.P.C. for getting Annexure-A FIR and Annexure-B Final Report in Crime No.500/2010 of Kadakkavoor Police Station as against the petitioner and all further proceedings based on it in C.C.115/2011 pending

before the Judicial First Class Magistrate's Court-I, Varkala, 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, after misappropriating her entire gold ornaments and money.

5. Heard learned counsel for the petitioner, the learned counsel for the defacto 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 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.

7. 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, 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 defacto complainant also endorses the fact that the affidavit has been sworn in by the defacto 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 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 CrI.M.C. is allowed and Annexure-A FIR and Annnexure-B Final Report in Crime No.500/2010 of Kadakkavoor Police Station as against the petitioner and all

further proceedings based on it in C.C.115/2011 pending before the Judicial First Class Magistrate's Court-I, Varkala are hereby quashed.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/13/03

// True Copy //

PA to Judge