

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 18TH DAY OF MARCH 2015/27TH PHALGUNA, 1936

CrI.MC.No. 1443 of 2015 ()

**CC 2534/2009 of JUDICIAL FIRST CLASS MAGISTRATE COURT -I, ERNAKULAM
CRIME NO. 397/2008 OF MULANTHURUTHY POLICE STATION , ERNAKULAM**

PETITIONERS/ACCUSED NOS 1 TO 3:

- 1. ROBIN , AGED 37 YEARS, S/O.JOHN,
ATTINGAL HOUSE,
MECHERIKKUNNU BHAGOM,
KARIKODE KARA,
MULANTHURUTHY VILLAGE,
ERNKULAM DISTRICT.**
- 2. JOHN AGED 65 YEARS, S/O.POULOSE,
ATTINGAL HOUSE,
MECHERIKKUNNU BHAGOM,
KARIKODE KARA,
MULANTHURUTHY VILLAGE.
ERNKULAM DISTRICT.**
- 3. MARY, AGED 57 YEARS, W/O.JOHN,
ATTINGAL HOUSE,
MECHERIKKUNNU BHAGOM,
KARIKODE KARA, MULANTHURUTHY VILLAGE
ERNKULAM DISTRICT**

BY ADV. SRI.IEANS.C.CHAMAKKALA

RESPONDENTS/COMPLAINTS:

- 1. SOWMYA, AGED 29 YEARS
D/O.KURIAKOSE,
POONTHAL HOUSE,
OORAMANA KARA
MEMURY VILLAGE,
ERNAKULAM DISTRICT 686663.**
- 2. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERLA, ERNAKULAM 682031.**

**R1 BY ADV. SRI.VINUCHAND
R2 BY PUBLIC PROSECUTOR JIBU.P.THOMAS**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 18-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

vmr.

Crl.MC.No. 1443 of 2015 ()

APPENDIX

PETITIONER(S)' ANNEXURES

ANNEXURE A1: CERTIFIED COPY OF THE F.I.S

ANNEXURE A2: CERTIFIED COPY OF THE F.I.R

ANNEXURE A3: CERTIFIED COPY OF THE FINAL REPORT

ANNEXURE A4: AFFIDAVIT OF THE 1ST RESPONDENT

RESPONDENT(S)' ANNEXURES: **NIL**

/TRUE COPY/

P.A.TO JUDGE

vmr.

B. KEMAL PASHA, J.

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Crl.M.C. No.1443 2015
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Dated this the 18th day of March, 2015

ORDER

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

2. Petitioners are accused Nos.1 to 3 in Crime No.397/2008 of Mulanthuruthy Police Station registered for the offence punishable under Section 498A read with Section 34 of the Indian Penal Code.

3. Petitioners have come up with this petition for getting Annexure-A2 FIR and Annexure-A3 final report in Crime No.397/2008 of Mulanthuruthy Police Station as against the petitioners and all further proceedings based on it in C.C.2534/2009 pending before the Judicial First Class Magistrate's Court-I, Ernakulam, quashed.

4. The allegation against the petitioners is that they have tortured and harassed the de facto complainant, who

is the wife of the 1<sup>st</sup> petitioner, and treated her with cruelty within the meaning of Section 498A IPC, by demanding more dowry.

5. Heard learned counsel for the petitioners, the learned counsel for the defacto complainant, who is the 1<sup>st</sup> respondent herein, and learned Public Prosecutor.

6. 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.

7. The defacto complainant, who is the 1<sup>st</sup> 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, 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. 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-A2 FIR and Annexure-A3 final report in Crime No.397/2008 of Mulanthuruthy Police Station as against the petitioners and all further proceedings based on it in C.C.2534/2009 pending before the Judicial First Class Magistrate's Court-I, Ernakulam are hereby quashed.

Sd/-  
**(B.KEMAL PASHA, JUDGE)**