

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

FRIDAY, THE 5TH DAY OF JUNE 2015/15TH JYAISHTA, 1937

Crl.MC.No. 469 of 2013

**CC 1437/2009 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-II,KOTTARAKKARA
CRIME NO. 320/2009 OF CHADAYAMANGALAM EXCISE RANGE OFFICE , KOLLAM**

PETITIONER(S)/ACCUSED 2 AND 3:

**RUGMINI,
W/O.CHANDRAN, THOTTATHIL VEEDU, KAITHODE MURI,
NILAMEAL VILLAGE, KOLLAM DISTRICT.**

BY ADV. SRI.B.MOHANLAL

RESPONDENT(S)/COMPLAINANT:

**1. STATE OF KERALA,
REPRESENTED BY THE SUB INSPECTOR OF POLICE,
CHADAYAMANGALAM POLICE STATION, KOLLAM DISTRICT,
THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.**

**2. SMT. PREETHA,
D/O.NALINI, ALAYIL VEEDU, ALAYIL MURI,
NILAMEL VILLAGE, NILAMEL P.O.,
KOLLAM DISTRICT-691 535.**

**R1 BY PUBLIC PROSECUTOR SRI.DHANESH MATHEW MANJOORAN
R2 BY ADV. SRI.A.SANIL KUMAR**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 05-06-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

APPENDIX

PETITIONER(S) ANNEXURES

**ANNEXURE-A1.THE TRUE COPY OF THE COMPLAINANT CMP NO.5458/2009 FILED BY
THE RESPONDENTS/DEFACTO COMPLAINANT BEFORE THE JFCMC-II,
KOTTARAKKARA.**

**ANNEXURE-A2.THE TRUE COPY OF THE FINAL REPORT IN CRIME NO.320/2009 OF
CHADAYAMANGALAM POLICE STATION IN KOLLAM DISTRICT.**

**ANNEXURE-A3.THE TRUE COPY OF THE COMPROMISE ENTERED INTO BETWEEN
THE 1ST ACCUSED AND THE 2ND RESPONDENT DATED 24/2/2012.**

ANNEXURE A4. THE TRUE COPY OF THE AFFIDAVIT FILED BY THE R2 DATED 2/4/15.

RESPONDENTS' ANNEXURES

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

K. ABRAHAM MATHEW, J.

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Dated this the 5th day of June 2015

O R D E R

Petition filed under Sec.482 Cr.P.C.

2. Petitioners are mother and daughter. They are accused nos.2 and 3 in C.C. No.1437 of 2009 on the file of Judicial First Class Magistrate Court-II, Kottarakkara. The petitioners are alleged to have subjected the first informant to cruelty and thus committed the offence under Secs.498A and 323 read with Sec.34 of Indian Penal Code. It is submitted that the dispute between the parties has been settled. The request is to quash the proceedings in the criminal case.

3. Heard the learned counsel for the petitioners and for the 2nd respondent and the learned Public Prosecutor.

4. The 2nd respondent has filed an affidavit to the effect that the dispute has been settled and she has no objection to the proceedings in the criminal case being quashed. I am satisfied that the allegation is true. No public interest is involved in this case. This is a fit case to

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invoke the jurisdiction of this Court under Sec.482 Cr.P.C. to quash the proceedings in the criminal case.

In the result, this Crl.M.C. is allowed. The proceedings in C.C. No.1437 of 2009 on the file of Judicial First Class Magistrate Court-II, Kottarakkara are quashed.

Sd/-
K. ABRAHAM MATHEW
JUDGE

/ True Copy /

NS

P.A. To Judge