

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 20TH DAY OF MARCH 2015/29TH PHALGUNA, 1936

Crl.MC.No. 1616 of 2015 ()

CC 2273/2013 of JUDICIAL FIRST CLASS MAGISTRATE - I, HOSDRUG DATED
CRIME NO. 347/2013 OF CHEEMENI POLICE STATION , KASARGOD

PETITIONER(S)/ACCUSED:

1. E.T. PRADEEPKUMAR AGED 36 YEARS

S/O.THANKAPPAN,
EDAPALLI MANIKOTH,
KEKADATH VEEDU,
MADIYAN,
AJANUR VILLAGE,
HOSDURG TALUK.

2. THANKAPPAN AGED 67 YEARS

MADIYAN,
AJANUR VILLAGE,
HOSDURG TALUK.

3. CHANDRAVATHI, AGED 60 YEARS,

W/O.THANKAPPAN,
MADIYAN,
AJANUR VILLAGE,
HOSDURGTALUK.

4. PRASANNA, AGED 40 YEARS

W/O.CHANDRAN,
KAMBALLOOR,
CHITTARIKKAL VILLAGE,
VELLARIKKUNDU TALUK.

5. PRABHAVATHI, AGED 38 YEARS

D/O.THANKAPPAN,
MADIYAN,
AJANUR VILLAGE,
HOSDURG TALUK.

6. PRATHEESH AGED 30 YEARS

S/O.THANKAPPAN,
MADIYAN,
AJANUR VILLAGE,
HOSDURG TALUK.

BY ADV. SRI.A.ARUNKUMAR

Crl.MC.No. 1616 of 2015 ()

RESPONDENT(S)/DEFACTO COMPLAINANT/STATE:

1. DEEPA C.K, AGED 32 YEARS
W/O.KRISHNAN MUNDA,
CHEEMENI VILLAGE,
P.O.VALIAPOIL,
HOSDURG TALUK – 671 121.

2. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA,
ERNAKULAM -682 031.

R1 BY ADV. SRI.V.MADHUSUDHANAN
R2 BY PUBLIC PROSECUTOR SRI.SREEJITH.V.S.

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 20-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

vmr.

Crl.MC.No. 1616 of 2015 ()

APPENDIX

PETITIONER(S)' ANNEXURES

**ANNEXURE-A1: A TRUE COPY OF THE F.I.R IN CRIME NO.347 OF 2013 OF
CHEEMENI POLICE STATION.**

**ANNEXURE-AII: A TRUE COPY OF THE FINAL REPORT IN CRIME NO.347 OF 2013
OF CHEEMENI POLICE STATION.**

**ANNEXURE-AIII: A TRUE COPY OF THE AFFIDAVIT SWORN TO BY THE IST
RESPONDENT ENDORSING THE FACTUM OF COMPOUNDING
OF THE SAID OFFENCES AND THE SETTLEMENT
OF THE DISPUTES.**

RESPONDENT(S)' ANNEXURES : NIL

/TRUE COPY/

P.A.TO JUDGE

vmr.

B.KEMAL PASHA, J.

Crl.M.C. No.1616 of 2015 A

Dated this the 20th day of March 2015

ORDER

This is a petition filed under Section 482 of the Code of Criminal Procedure seeking to quash Annexure - AII final report in Crime No.347/2013 of Cheemeni Police Station, Kasaragod and all further proceedings based on it in C.C. No.2273/2013 of the Judicial First Class Magistrate's Court-I, Hosdurg, as against the petitioners. Alleging cruelty within the meaning of Section 498A read with Section 34 of the Indian Penal Code, towards the wife of the first petitioner, a crime was registered as Crime No.347/2013 for the offence under Section 498A read with Section 34 of the Indian Penal Code. The final report was filed in the matter and presently, the same is pending before the Judicial First class

Magistrate's Court-I, Hosdurg as C.C. No.2273/2013.

2. Heard the learned counsel for the petitioners, the learned counsel for the *de-facto complainant*/1st respondent herein and the learned Public Prosecutor.

3. The learned counsel for the petitioners submits that the entire disputes between the petitioners and the *de-facto complainant* are settled in a mediation and presently, the *de-facto complainant* and the first petitioner are living together as wife and husband. Annexure-AIII affidavit has also been produced to show that the *de-facto complainant* has presently no complaints, as against the petitioners.

4. The *de-facto complainant* has also entered appearance. The learned counsel for the *de-facto complainant* also submits that the matter has been amicably settled and the parties are living together peacefully at present. Considering the settlement arrived at by the parties and the fact that they have resolved all the disputes

between them and are residing together, I am of the view that this is a fit case wherein Annexure-AII final report in Crime No.347/2013 of Cheemeni Police Station, Kasaragod and all further proceedings based on it in C.C. No.2273/2013 of the Judicial First class Magistrate's Court-I, Hosdurg, can be quashed under Section 482 of Code of Criminal Procedure.

In the result, this Crl.M.C. is allowed and Annexure AII final report in Crime No.347/2013 of Cheemeni Police Station, Kasaragod and all the proceedings based on it in C.C. No.2273/2013 of the Judicial First class Magistrate's Court-I, Hosdurg, are quashed.

Sd/-
B.KEMAL PASHA,
JUDGE

dl

// TRUE COPY //

PA to Judge