

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 19TH DAY OF MARCH 2015/28TH PHALGUNA, 1936

CrI.MC.No. 1617 of 2015 ()

CRIME NO. 794/2012 OF THOPPUMPADY POLICE STATION, ERNAKULAM DISTRICT

PETITIONER/ACCUSED:

**GODWIN D COUTH, AGED 59 YEARS,
S/O.LOUIS D COUTH, PUTHENTHARA HOUSE,
MUNDENVELI, KOCHI - 7.**

**BY ADVS.SRI.T.M.RAMAN KARTHA
SMT.O.A.NURIYA
SMT.SYAMA MOHAN**

RESPONDENT(S)/COMPLAINANT AND STATE:

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, KOCHI - 31.**
- 2. SUB INSPECTOR OF POLICE,
THOPPUMPADY POLICE STATION-682 005**
- 3. CHRISTABEL D COUTH, AGED 57 YEARS,
D/O.BENSUS FERNANDEZ, J.A.DALE, ,
FORT KOCHI-682 006**

**R1 & R2 BY PUBLIC PROSECUTOR SRI.JIBU P. THOMAS
R3 BY ADV. SMT ROSY P.T**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 19-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

sts

Crl.MC.No. 1617 of 2015 ()

APPENDIX

PETITIONER(S)' ANNEXURES:

ANNEX-I: CERTIFIED COPY OF THE FIR NO.794/2012 OF THOPPUMPADY POLICE STATION.

ANNEX-II: A TRUE COPY OF THE MEDIATION AGREEMENT DATED 11.3.2015

ANNEX-III: AFFIDAVIT OF THE 3RD RESPONDENT DATED 11.3.2015

RESPONDENT(S)' ANNEXURES: NIL

/TRUE COPY/

P.S.TO.JUDGE

sts

B.KEMAL PASHA, J.

.....
CRL. M.C. No.1617 of 2015
.....

Dated this the 19th day of March, 2015

ORDER

Petitioner is the accused in Crime No.794/12 of the Thoppumpady Police Station, Kochi registered for the offences punishable under Sections 494, 323, 420 and 498A read with Section 34 of the Indian Penal Code.

2. The petitioner has come up with this CrI.M.C. under Section 482 Cr.P.C. for getting Annexure-I FIR No.794/12, quashed.

3. The allegation against the petitioner is that he has tortured and harassed the defacto complainant, who is his wife, and treated her with cruelty within the meaning of Section 498A IPC.

4. Heard learned counsel for the petitioner, the

learned counsel for the defacto complainant, who is the 3rd respondent herein, and the learned Public Prosecutor.

5. 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 him and, therefore, the proceedings against the petitioner may be quashed.

6. The defacto complainant, who is the 3rd 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, hence, 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.

7. 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 Crl.M.C. is allowed and Annexure-I FIR in Crime No.794/12 of the Thoppumpady Police Station, is hereby quashed.

Sd/- B.KEMAL PASHA, JUDGE

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[True copy]

P.S. to Judge