

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 31ST DAY OF MARCH 2015/10TH CHAITHRA, 1937

Crl.MC.No. 1690 of 2015

**CC 99/2013 OF CHIEF JUDICIAL MAGISTRATE COURT, PALAKKAD
CRIME NO. 459/2013 OF TOWN NORTH POLICE STATION, PALAKKAD**
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PETITIONER(S)/ACCUSED:

**V.N.SAJI, AGED 35 YEARS,
S/O.BALABASKARAN NAMBIAR, APARNA NIVAS, SASTHA COLONY,
MANTHAKKAD, MALAMPUZHA, PALAKKAD.**

BY ADV. SRI.V.A.JOHNSON (VARIKKAPPALLIL)

RESPONDENT(S)/DEFACTO COMPLAINANT AND STATE:

**1. SREEVIDYA, AGED 23 YEARS,
D/O.MANIKANDAN, KARANKATTU HOUSE,
PANAMTHODI, KUMARAPURAM, AMBIKAPURAM,
PALAKKAD - 678 011.**

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

R1 BY ADV. SRI.P.M.RAFIQ

R2 BY PUBLIC PROSECUTOR SRI.JIBU P. THOMAS

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
31-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

Crl.MC.No. 1690 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES:

ANNEXURE-A: THE TRUE COPY OF THE CHARGE SHEET IN CRIME NO.459/2013 OF PALAKKAD TOWN NORTH POLICE STATION OF PALAKKAD DISTRICT IN C.C. NO.99/2012 ON THE FILE OF THE CHIEF JUDICIAL MAGISTRATE, PALAKKAD.

ANNEXURE-B: AFFIDAVIT SWORN BY THE IST RESPONDENT HEREIN EVIDENCING THE AFORESAID SETTLEMENT.

RESPONDENT(S)' ANNEXURES:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

B.KEMAL PASHA, J.

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CRL.M.C. No.1690 of 2015

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Dated this the 31st day of March, 2015

ORDER

Petitioner is the accused in Crime No.459 of 2013 of the Palakkad Town North Police Station registered for the offence punishable under Section 498A of the Indian Penal Code.

2. Petitioner has come up with this Crl.M.C. under Section 482 Cr.P.C. for getting Annexure-A Final Report in Crime No.459 of 2013 of the Palakkad Town North Police Station as against the petitioner and all further proceedings based on it in C.C.No.99 of 2013 pending before the Chief Judicial Magistrate's Court, Palakkad, 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, by demanding more dowry.

4. Heard learned counsel for the petitioner, the learned counsel for the defacto complainant, who is the 1st 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 the petitioner and, therefore, the proceedings against the petitioner may be quashed.

6. The defacto complainant, who is the 1st 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-A Final Report in Crime No.459 of 2013 of the Palakkad Town North Police Station as against the petitioner and all further proceedings based on it in C.C.No.99 of 2013 pending before the Chief Judicial Magistrate's Court, Palakkad, are hereby quashed.

Sd/-
B. KEMAL PASHA
JUDGE