

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE B.KEMAL PASHA

MONDAY, THE 6TH DAY OF APRIL 2015/16TH CHAITHRA, 1937

Crl.MC.No.1766 of 2015

**CC NO.127/2011 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT,VARKALA
CRIME NO.590/2010 OF ERNAKULAM CENTRAL POLICE STATION,ERNAKULAM.**

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PETITIONER/ACCUSED:

**BAIJU,AGED 35 YEARS,S/O.SATHYAN,
KALLUVILA VEEDU,MEL KADAKKAVOOR,
CHIRAYINKEEZHU VILLAGE,THIRUVANANTHAPURAM.**

BY ADV.SRI.SHAJIN S.HAMEED

RESPONDENTS/STATE & CW1:

- 1. STATE OF KERALA,
THROUGH THE SUB INSPECTOR OF POLICE,
KADAKKAVOOR POLICE STATION,
REPRESENTED THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,ERNAKULAM-682 031.**
- 2. MINI,AGED 28 YEARS,D/O.SUDHAKARAN,
PERMANENTLY RESIDING AT
PAROOR THODIVARAL VEEDU,
MURUKKUMPUZHA DESOM,VEILOOR VILLAGE,
THIRUVANANTHAPURAM-695 601.**

**R1 BY PUBLIC PROSECUTOR SRI.JIBU P.THOMAS.
R2 BY ADV.SRI.A.K.RAJESH**

**THIS CRIMINAL MISC.CASE HAVING COME UP FOR ADMISSION
ON 06-04-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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Crl.MC.No.1766 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

**ANNEXURE A: CERTIFIED COPY OF THE FIR IN CRIME NO.590/2010 OF
KADAKKAVOOR POLICE STATION.**

**ANNEXURE B: CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO.590/2010
OF KADAKKAVOOR POLICE STATION, NOW PENDING AS CC
NO.127/2011 ON THE FILE OF THE JUDICIAL 1ST CLASS
MAGISTRATE COURT-I, VARKALA.**

ANNEXURE C: AFFIDAVIT EXECUTED BY THE 2ND RESPONDENT.

RESPONDENT'S ANNEXURES: **NIL**

//TRUE COPY//

P.S. TO JUDGE

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B.KEMAL PASHA, J.

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Crl.M.C. No. 1766 of 2015

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Dated this the 6th day of April, 2015

ORDER

Petitioner is the accused in Crime No.590 of 2010 of the Kadakkavoor Police Station, Thiruvananthapuram District, registered for the offence punishable under Section 498A read with Section 34 of the Indian Penal Code.

2. Petitioner has come up with this Crl.M.C. under Section 482 Cr.P.C. for getting Annexure-B Final Report in Crime No.590 of 2010 of the Kadakkavoor Police Station, Thiruvananthapuram District, and all further proceedings based on it in C.C.No.127/2011 pending before the Judicial First Class Magistrate's Court-I, Varkala, quashed.

3. The allegation against the petitioner is that he has tortured and harassed the defacto complainant, who is the wife of the petitioner, 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 2nd 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 2nd 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. Through a settlement, the petitioner and the 2nd respondent are living together as husband and wife and are

leading a peaceful married life. 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-B Final Report in Crime No.590 of 2010 of the Kadakkavoor Police Station, Thiruvananthapuram District, and all further proceedings based on it in C.C.No.127/2011 pending before the Judicial First Class Magistrate's Court-I, Varkala, are hereby quashed.

Sd/-
B.KEMAL PASHA, JUDGE

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