

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

CrI.MC.No. 1879 of 2015 ()

CC 576/2014 of JUDICIAL FIRST CLASS MAGISTRATE COURT-III, KOTTAYAM

PETITIONERS/ACCUSED 1 & 2:

- 1. SHIBU THOMAS, AGED 41 YEARS,
S/O. K.J.THOMAS, KUDIYAMKUTTIYIL HOUSE,
VADUVATHUR P.O., KOTTAYAM DISTRICT.**
- 2. LEELAMMA THOMAS,
W/O.K.J.THOMAS, KUDIYAMKUTTIYIL HOUSE,
VADUVATHUR P.O., KOTTAYAM DISTRICT.**

BY ADV. SRI.THOMSTINE K.AUGUSTINE

RESPONDENTS/STATE AND DEFACTO COMPLAINANT :

- 1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KRALA, ERNAKULAM - 31.**
- 2. RANI MALAYAN, AGED 34 YEARS,
D/O.RAJAN ISAC, MALAYAN VEETIL, MUTHOLI P.O.
PULIYANNUR VILLAGE, MEENACHIL TALUK
KOTTAYAM DISTRICT - 686 573.**

R1 BY PUBLIC PROSECUTOR SRI. JIBU P. THOMAS

R2 BY ADV. SRI.K.C.THOMAS (PALA)

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

bp

APPENDIX

PETITIONER(S)' EXHIBITS

- ANNEXURE A1:** COPY OF THE FIR IN CRIME NO. 191/2014 OF MANARKAD POLICE STATION.
- ANNEXURE A2:** TRUE COPY OF THE FINAL REPORT IN CC NO. 576/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-III, KOTTAYAM.
- ANNEXURE A3:** AGREEMENT DATED 12/02/2015 EXECUTED BETWEEN THE 1ST PETITIONER AND 2ND RESPONDENT.
- ANNEXURE A4:** AFFIDAVIT DATED 16/03/2015 SWORN BY THE 2ND RESPONDENT.

RESPONDENT(S)' EXHIBITS : **NIL.**

//TRUE COPY//

P.A. TO JUDGE

bp

B.KEMAL PASHA, J.

.....
CRL. M.C. No.1879 of 2015
.....

Dated this the 6th day of April, 2015

ORDER

Petitioners are A1 and A2 in Crime No.191/14 of the Mannarkkad Police Station, Kottayam registered for the offences punishable under Sections 498A read with Section 34 of the Indian Penal Code.

2. Petitioners have come up with this Crl.M.C. under Section 482 Cr.P.C. for getting all further proceedings in C.C.No.576/14 of the Judicial First Class Magistrate's Court-III, Kottayam, quashed.

3. The allegation against the petitioners is that they have tortured and harassed the defacto complainant, who is the wife of the 1st petitioner and treated her with cruelty within the meaning of Section 498A IPC, by demanding

more dowry.

4. Heard learned counsel for the petitioners, the learned counsel for the defacto complainant, who is the 2nd respondent herein, and the learned Public Prosecutor.

5. According to the petitioners, all the matters in dispute between the petitioners and the defacto complainant have been amicably settled and presently the defacto complainant has no complaints against the petitioners and, therefore, the proceedings against the petitioners 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 petitioners have been amicably settled and, therefore, she has no complaints against the petitioners, 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 petitioners, 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 all further proceedings in C.C.No.576/14 of the Judicial First Class Magistrate's Court-III, Kottayam, are hereby quashed.

Sd/- B.KEMAL PASHA, JUDGE

ul/-

[True copy]

P.S. to Judge