

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. 1891 of 2015

**AGAINST THE ORDER IN CRMP 3761/2014 of SESSIONS COURT,KOLLAM,
DATED 15-01-2015
CRIME NO. 1720/2014 OF PARAVOOR POLICE STATION , KOLLAM**

PETITIONER(S)/ACCUSED:

**SUDHESAN, AGED 56 YEARS
S/O.DAMODHANRAN, CHARUVILA PUTHEN VEETIL
PUTHENKULAM P.O., POOTHAKKULAM VILLAGE, KOLLAM TALUK
KOLLAM DISTRICT.**

BY ADV. SRI.S.M.ALTHAF

RESPONDENT(S):

- 1. THE STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
THROUGH HIGH COURT OF KERALA, ERNAKULAM- 682 031.**
- 2. BINDU, AGED 43 YEARS
D/O.SUBHADRAMMA, RESIDING AT NANDANAM VEED,
PUTHENKULAM P.O., POOTHAKULAM VILLAGE, KOLLAM TALUK
KOLLAM DISTRICT-691 302.**

**R1 BY PUBLIC PROSECUTOR SRI.JIBU.P. THOMAS
R2 BY ADV. SRI.C.JAYACHANDRAN (KAYAMKULAM)**

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

PJ

APPENDIX

PETITIONER(S)' ANNEXURES

**ANNEXURE-A1. CERTIFIED COPY OF THE FIR IN CRIME NO.1720/2014 OF THE JFMC,
PARAVUR DATED 4/10/2015.**

**ANNEXURE-A2. TRUE COPY OF THE ORDER IN CRL.MP NO.3761/2014 OF THE
SESSIONS JUDGE, KOLLAM DATED 15/1/2015.**

**ANNEXURE-A3. TRUE COPY OF THE SETTLEMENT AGREEMENT ENTERED BETWEEN
THE PETITIONER AND THE 2ND RESPONDENT ON 12/1/2015.**

**ANNEXURE-A4. TRUE COPY OF THE AFFIDAVIT PREPARED BY THE 2ND
RESPONDENT/DEFACTO COMPLAINT TO BE PRODUCED BEFORE
THIS HONOURABLE COURT.**

ANNEXURE-A5. TRUE COPY OF THE CHARGE SHEET IN CRMIE NO.1720/2014.

RESPONDENT(S)' ANNEXURES

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

B.KEMAL PASHA, J.

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Crl.M.C. No. 1891 of 2015

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Dated this the 6th day of April, 2015

O R D E R

Petitioner is the accused in Crime No.1720 of 2014 of the Paravoor Police Station, Kollam District, 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-A1 FIR in Crime No.1720 of 2014 of the Paravoor Police Station, Kollam District, and all further proceedings based on it in C.C.No.68 of 2015 pending before the Judicial First Class Magistrate's Court, Paravoor, 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. 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-A1 FIR in Crime No.1720 of 2014 of the Paravoor Police Station, Kollam District, and all further proceedings based on it in C.C.No.68 of 2015 pending before the Judicial First Class Magistrate's Court, Paravoor, are hereby quashed.

Sd/-
B.KEMAL PASHA, JUDGE

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//True copy//

P.A to Judge