

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

WEDNESDAY, THE 8TH DAY OF JULY 2015/17TH ASHADHA, 1937

Crl.MC.No. 1895 of 2015 ()

CC 437/2014 of JUDICIAL FIRST CLASS MAGISTRATE COURT, HARIPAD

PETITIONERS/ACCUSED :

- 1. VINOD KUMAR, AGED 30 YEARS,
S/O. KRISHNA PILLAI (LATE), CHERIVADAKKATHIL,
EVOOR SOUTH, CHEPPAD, ALAPPUZHA DISTRICT.**
- 2. MOHANAN PILLAI,
S/O. KUTTAPPAN NAIR (LATE), CHERIVADAKKATHIL,
EVOOR SOUTH, CHEPPAD, ALAPPUZHA DISTRICT**
- 3. PARIMALAM,
W/O.MOHANAN PILLAI, CHERIVADAKKATHIL, EVOOR SOUTH
CHEPPAD, ALAPPUZHA DISTRICT**
- 4. PROMOD KUMAR, AGED 52 YEARS,
S/O. NARAYANA PILLAI (LATE), KARIPPURATH HOUSE
KARUVATTA NORTH P.O., ALAPPUZHA DISTRICT.**
- 5. SREEDEV S.
S/O. GOPINATHA PILLI, AMBUJAM, PLAPPUZHA
HARIPAD, ALAPPUZHA DISTRICT.**
- 6. ANJU MANIKUTTAN,
W/O. MANIKUTTAN, KOLLAPPILLIL HOUSE, CHEPPAD P.O.**

**BY ADVS.SRI.M.S.UNNIKRISHNAN
SRI.JITHIN PAUL VARGHESE
SRI.K.SUNIL
SMT.T.P.SHELNA**

RESPONDENTS/STATE & DEFACTO COMPLAINANT :

- 1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**
- 2. STATION HOUSE OFFICER,
KARIYILAKULAGARA POLICE STATION
ALAPPUZHA - 686 001.**

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3. RAJIMOL S.,
D/O.K. RADHAKRISHNA PILLAI, PANACKAL HOUSE,
KALAVOOR P.O., ALAPPUZHA - 688 522.

R1 & R2 BY PUBLIC PROSECUTOR SRI. DHANESH MATHEW MANJOORAN
R3 BY SMT.M.PPRIYANKA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 08-07-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

bp

APPENDIX

PETITIONER'S ANNEXURES :

ANNEXURE A: COPY OF THE FIR NO. 163/2013 OF KAREELAKULANGARA POLICE STATION.

ANNEXURE B: COPY OF THE COMPROMISE ENTERED INTO BETWEEN THE PETITIONERS AND THE R3.

ANNEXURE C: COPY OF ORDER IN OP NO. 400/2014 ON THE FILES OF FAMILY COURT, ALAPPUZHA.

ANNEXURE D: COPY OF THE CHARGE SHEET.

ANNEXURE E: COPY OF THE ORIGINAL AFFIDAVIT SWORN TO BY THE R3.

RESPONDENT'S ANNEXURES : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

K. ABRAHAM MATHEW, J.

Crl.M.C. No.1895 of 2015

Dated this the 8th day of July 2015

ORDER

Petition filed under Sec.482 Cr.P.C.

2. The 1st petitioner and the 3rd respondent are husband and wife. The other petitioners are his close relatives. The petitioners are the accused in C.C. No.437 of 2014 on the file of Judicial First Class Magistrate Court, Haipad. They are alleged to have subjected the 2nd respondent to cruelty and thus committed the offences under Secs.498A read with Sec.34 of the Indian Penal Code. It is submitted that the dispute between the parties has been settled. The request is to quash the proceedings in the criminal case.

3. Heard the learned counsel for the petitioners and for the 3rd respondent and the learned Public Prosecutor.

4. The third respondent has filed an affidavit to the effect that the dispute has been settled and she has no objection to the proceedings in the criminal case being

quashed. I am satisfied that the allegation is true. No public interest is involved in this case. This is a fit case to invoke the jurisdiction of this Court under Sec.482 Cr.P.C. to quash the proceedings in the criminal case.

In the result, this Crl.M.C. is allowed. The proceedings in C.C. No.437 of 2014 on the file of Judicial First Class Magistrate Court, Haipad are quashed.

Sd/-
K. ABRAHAM MATHEW
JUDGE
/ True Copy /

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P.A. To Judge