

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

WEDNESDAY, THE 3RD DAY OF JUNE 2015/13TH JYAISHTA, 1937

Crl.MC.No. 1954 of 2015 ()

CC.NO. 3137/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-II, KOLLAM

PETITIONERS/ACCUSED :

1. SUNIL KUMAR,
S/O.SUKESHAN, AGED 35 YEARS
SUNIL BHAVAN, KOTTAPURAM CHERRY
PARAVOOR VILLAGE, PARAVOOR PO., KOLLAM-691 301.
2. NALINAKSHI
W/O.SUKESHAN, AGED 64,
SUNIL BHAVAN, KOTTAPURAM CHERRY
PARAVOOR VILLAGE, PARAVOOR PO., KOLLAM-691 301.
3. SHINY,
W/O.SHAJI, AGED 37 YEARS
ADHA MANDIRAM, CHERUNNIYOOR VILLAGE
VARKALA-695 142.
4. SHAJI,
S/O.SUDAKARAN, AGED 45 YEARS
RADHA MANDIRAM, CHERRYNEOOR VILLAGE
VARKALA-695 142.

BY ADV. SRI.G.BHAGAVAT SINGH

RESPONDENTS/STATE & DEFACTO COMPLAINANT :

1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682 031.
2. DEEPTHI
D/O.SOMALATHA, 'DEEPAM', KOTTAPPURAM
PARAVOOR PO., KOLLAM-691 301.

R1 BY PUBLIC PROSECUTOR SRI. DHANESH MATHEW MANJOORAN
R2 BY ADV. SRI.NISHIL P.S.

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 03-06-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

The address of the second respondent in the cause title "Deepam, Kottappuram, Paravoor P.O., Kollam – 691 301" is corrected and substituted as "V.N. Nivas, Mayyanad, Kollam" as per order dated 31.7.2015 in Crl.M.A. No. 5987/15 in Crl.M.C. No. 1954/15.

Sd/- Assistant Registrar

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APPENDIX

PETITIONERS' ANNEXURES :

- ANNEXURE A1- CERTIFIED COPY OF THE COMPLAINT DT. 11.7.14 FILED BY
THE 2ND RESPONDENT BEFORE THE JFMC-II, KOLLAM AS
CMP NO.10293/14.**
- ANNEXURE A2- CERTIFIED COPY OF THE FIR NO.1078/14 DATED 16.7.2014.**
- ANNEXURE A3- CERTIFIED COPY OF THE CHARGE SHEET DATED 10.11.2014.**
- ANNEXURE A4- COPY OF THE AGREEMENT ARRIVED BETWEEN THE PARTIES.**
- ANNEXURE A5- MEMORANDUM OF AGREEMENT ARRIVED BEFORE THE
MEDIATION CENTRE DT. 14.11.15.**
- ANNEXURE A6- COPY OF THE AFFIDAVIT DATED 24.03.2015 SIGNED BY THE
2ND RESPONDENT.**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

K. ABRAHAM MATHEW, J.
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Dated this the 3rd day of June, 2015

ORDER

Petition filed under section 482 Cr.P.C.

2. The first petitioner and the second respondent are husband and wife. The second petitioner is his mother and the other petitioners are his close relatives. The petitioners are accused in C.C. No. 3137 of 2014 on the file of the Judicial Magistrate of the First Class-II, Kollam. They are alleged to have subjected the second respondent to cruelty and thus committed the offences under section 498A IPC. 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 second respondent and the learned Public Prosecutor.

4. The second 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

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of this Court under Section 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. 3137 of 2014 on the file of the Judicial Magistrate of the First Class-II, Kollam are quashed.

Sd/-
K. ABRAHAM MATHEW
JUDGE

DST

//True Copy//

P.A. To Judge