

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. 2015 of 2015

C.C.NO.1201/2010 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-I, KOLLAM

CRIME NO. 43/2009 OF KILIKOLLOOR POLICE STATION , KOLLAM DISTRICT

PETITIONER(S)/ACCUSED NOS. 1 TO 3 :

- 1. J.ANIL KUMAR, AGED 36 YEARS,
S/O.JAYARAJAN, KANNADISSERIL, ADINADU NORTH,
KULASEKHARASPURAM, KARUNAGAPPALLY, KOLLAM DISTRICT.**
- 2. JAYARAJAN, AGED 66 YEARS,
KANNADISSERIL, ADINADU NORTH, KULASEKHARASPURAM,
KARUNAGAPPALLY, KOLLAM DISTRICT.**
- 3. SARALA DEVI, AGED 61 YEARS,
KANNADISSERIL, ADINADU NORTH, KULASEKHARASPURAM,
KARUNAGAPPALLY, KOLLAM DISTRICT.**

BY ADV. SRI.JOHNSON GOMEZ

RESPONDENT(S)/DEFACTO COMPLAINANT :

- 1. THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA AT ERNAKULAM THROUGH
THE SUB INSPECTOR OF POLICE,
KILIKOLLOOR POLICE STATION, KOLLAM.**
- 2. REJI RANI, AGED 31 YEARS,
RESIDING AT REJI BHAVANAM, PRIYADARSINI NAGAR-73,
KILIKOLLOOR P.O, KOLLAM TALUK, KOLLAM DISTRICT.**

**R1 BY PUBLIC PROSECUTOR SRI.JIBU.P.THOMAS
R2 BY ADV. SMT.T.P.SINDHUMOL**

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

Msd.

APPENDIX

PETITIONER(S)' ANNEXURES :

**ANNEXURE A1: A TRUE COPY OF THE FIRST INFORMATION REPORT IN
CRIME NO. 43 OF 2009 REGISTERED BY THE KILIKOLLOOR
POLICE.**

**ANNEXURE A2: A TRUE COPY OF THE FINAL REPORT IN
CRIME NO. 43 OF 2009 PENDING TRIAL BEFORE
THE JUDICIAL FIRST CLASS MAGISTRATE COURT I,
KOLLAM AS C.C.NO. 1201 OF 2010.**

**ANNEXURE A3: A TRUE COPY OF THE AFFIDAVIT DATED 26TH FEBRUARY
2015 SWORN BY THE SECOND RESPONDENT BEFORE
THIS HON'BLE COURT.**

RESPONDENT(S)' ANNEXURES :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

B.KEMAL PASHA, J.

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Crl.M.C. No. 2015 of 2015

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Dated this the 6th day of April, 2015

ORDER

Petitioners are accused in Crime No.43 of 2009 of the Kilikolloor Police Station, Kollam District, registered for the offence punishable under Section 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 Annexure-A2 Final Report in Crime No.43 of 2009 of the Kilikolloor Police Station, Kollam District and all further proceedings based on it in C.C.No.1201 of 2010 pending before the Judicial First Class Magistrate's Court-I, Kollam, 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 Annexure-A2 Final Report in Crime No.43 of 2009 of the Kilikolloor Police Station, Kollam District and all further proceedings based on it in C.C.No.1201 of 2010 pending before the Judicial First Class Magistrate's Court-I, Kollam, are hereby quashed.

Sd/-
B.KEMAL PASHA, JUDGE

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