

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 7TH DAY OF APRIL 2015/17TH CHAITHRA, 1937

Crl.MC.No. 2039 of 2015

**CC 1179/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT.-I, KOLLAM
CRIME NO. 62/2014 OF EAST KALLADA POLICE STATION , KOLLAM**

PETITIONER(S)/ACCUSED NOS. 1 TO 5:

- 1. SAJU, AGED 33 YEARS
SON OF MANUEL, SAJI BHAVANAM, KODUVILA
EAST KALLADA, KOLLAM.**
- 2. MANUEL, AGED 75 YEARS
SON OF KOCHAANTHIRA SAJI BHAVANAM, KODUVILA
EAST KALLADA, KOLLAM.**
- 3. STELLA, AGED 64 YEARS
WIFE OF MANUEL, SAJI BHAVANAM, KODUVILA
EAST KALLADA, KOLLAM.**
- 4. SANTHOSH, AGED 30 YEARS
SON OF MANUEL, SAJI BHAVANAM, KODUVILA
EAST KALLADA, KOLLAM.**
- 5. SAINU, AGED 38 YEARS
DAUGHTER OF MANUEL, SAJI BHAVANAM, KODUVILA
EAST KALLADA, KOLLAM**

BY ADV. SRI.JOHNSON GOMEZ

RESPONDENT(S)/STATE & DEFACTO COMPLAINANT:

- 1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA AT ERNAKULAM THROUGH
THE SUB INSPECTOR OF POLICE
EAST KALLADA POLICE STATION, KOLLAM**
- 2. NISHA, AGED 28 YEARS
D/O.PAPPACHAN, MELATHIL PUTHEN VEEDU, MYLACADU
ADICHANALLOOR, KOLLAM 69 1571.**

**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 07-04-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

APPENDIX

PETITIONER(S)' ANNEXURES

**ANNEXURE A1- A TRUE COPY OF THE FIRST INFORMATION REPORT IN CRIME NO. 62
OF 2014 REGISTERED BY THE THEKKUMBHAGAM POLICE**

**ANNEXURE A2- A TRUE COPY OF THE FINAL REPORT IN CRIME NO. 62 OF 2014
PENDING TRIAL BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE
COURT I, KOLLAM AS CC NO. 1179 OF 2014**

**ANNEXURE A3- A TRUE COPY OF THE MEMORANDUM OF AGREEMENT DATED
22.3.2014 ENTERED BETWEEN THE FIRST PETITIONER AND THE
SECOND RESPONDENT**

**ANNEXURE A4- A TRUE COPY OF THE AFFIDAVIT DATED 30.9.2014 SWORN BY THE
SECOND RESPONDENT**

RESPONDENT(S)' ANNEXURES

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

B.KEMAL PASHA, J.

.....
CRL. M.C. No.2039 of 2015
.....

Dated this the 7th day of April, 2015

ORDER

Petitioners are A1 to A5 in Crime No.62/14 of the East Kallada Police Station, Kollam registered for the offences punishable under Sections 354 and 498A read with Section 34 of the Indian Penal Code.

2. Petitioners have come up with this CrI.M.C. under Section 482 Cr.P.C. for getting quashed Annexure A2 Final Report as against the petitioners in Crime No.62/14 of the East Kallada Police Station and the consequent proceedings in C.C.No.1179/2014 of the Judicial First Class Magistrate's Court-I, Kollam.

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 Annexure A2 Final Report as against the petitioners in Crime No.62/14 of the East Kallada Police Station and the consequent proceedings in C.C.No.1179/2014 of the Judicial First Class Magistrate's Court-I, Kollam, are hereby quashed.

Sd/- B.KEMAL PASHA, JUDGE

ul/-

[True copy]

P.S. to Judge