

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. 2058 of 2015

CC 2078/2012 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-I, CHERTHALA
CRIME NO. 337/2012 OF KUTHIYATHODE POLICE STATION , ALAPPUZHA

PETITIONER(S)/ACCUSED NO.1 AND 2:

1. ARUN @ KANNAN, AGED 26 YEARS
S/O.SHAJI, CHEMPUKULAM HOUSE, PAZAVEEDU, ALAPPUZHA
NOW RESIDING AT VANYAMPARAMBIL, PATTANAKADU P.O.
CHERTHALA.
2. AJITHA, AGED 46 YEARS
D/O.SARASAMMA, CHEMPUKULAM HOUSE, PAZAVEEDU, ALAPPUZHA
NOW RESIDING AT VANYAMPARAMBIL, PATTANAKADU P.O.
CHERTHALA.

BY ADV. SRI.P.ANUROOP

RESPONDENT(S):

1. STATE OF KERALA
REPRESENTED BY SI OF POLICE, KUTHIYATHODU
THROUGH PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM-682031.
2. ANJITHA LEKSHMI, AGED 22 YEARS
D/O.SAJI POTHAN, LEKSHMI BHAVAN, KUTHIYATHODU P.O.
CHERTHALA-688533.

R1 BY PUBLIC PROSECUTOR SRI.JIBU P.THOMAS
R2 BY ADV. SRI.ARUN CHANDRAN

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 07-04-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

PJ

APPENDIX

PETITIONERS' ANNEXURES

- A1: COPY OF FIS IN KUTHIYATHODE POLICE STATION CRIME NO.337/12 DATED 13/5/12**
- A2: COPY OF FIR IN KUTHIYATHODE POLICE STATION CRIME NO.337/12 DATED 13/5/12**
- A3: CERTIFIED COPY OF FINAL REPORT**
- A4: COPY OF THE JUDGMENT IN OP.(HMA)317/13 PASSED BY THE FAMILY COURT ALAPPUZHA DATED 7/11/13**
- A5: COPY OF THE AFFIDAVIT**

RESPONDENTS' ANNEXURES

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

B. KEMAL PASHA, J.

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Crl.M.C. No.2058 of 2015
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Dated this the 7th day of April, 2015

ORDER

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This is a petition filed under Section 482 of the Code of Criminal Procedure.

2. Petitioners are accused Nos.1 and 2 in Crime No.337/2012 of Kuthiyathodu Police Station registered for the offence punishable under Section 498A of the Indian Penal Code.

3. Petitioners have come up with this petition for getting Annexure-A2 FIR and Annexure-3 final report in Crime No.337/2012 of Kuthiyathodu Police Station as against the petitioners and all further proceedings based on it in C.C.2078/2012 pending before the Judicial First Class Magistrate's Court-I, Cherthala, quashed.

4. The allegation against the petitioners is that they have tortured and harassed the de facto complainant, who is the wife of the 1<sup>st</sup> petitioner, and treated her with cruelty

within the meaning of Section 498A IPC, by demanding more dowry.

5. Heard learned counsel for the petitioners, the learned counsel for the de facto complainant, who is the 2<sup>nd</sup> respondent herein, and learned Public Prosecutor.

6. According to the petitioners, all the matters in dispute between the petitioners and the de facto complainant have been amicably settled and presently, the de facto complainant has no complaints against the petitioners and, therefore, the proceedings against the petitioners may be quashed.

7. The de facto complainant, who is the 2<sup>nd</sup> 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, therefore, all further proceedings in the matter referred to above can be quashed. She has entered appearance through her

counsel. The learned counsel for the de facto complainant also endorses the fact that the affidavit has been sworn in by the de facto complainant on her own volition.

8. When all the matrimonial disputes have been settled between the parties and as the de facto 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 FIR and Annexure-A3 final report in Crime No.337/2012 of Kuthiyathodu Police Station as against the petitioners and all further proceedings based on it in C.C.2078/2012 pending before the Judicial First Class Magistrate's Court-I, Cherthala are hereby quashed.

Sd/-  
**(B.KEMAL PASHA, JUDGE)**

aks/07/04

*// True Copy //*

*PA to Judge*