

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. 2081 of 2015 ()

CC 241/2012 of JUDICIAL FIRST CLASS MAGISTRATE COURT, KOLENCHERRY

PETITIONER/ACCUSED :

**SOORAJ JACOB, AGED 35 YEARS,
S/O. M.K.JACOB, MADAPPARAMBIL HOUSE,
SOUTH MAZHUVANNOOR, KOLENCHERY.**

BY ADV. SRI.C.P.UDAYABHANU

RESPONDENTS/COMPLAINANT :

**1. VIDHULA CHERIYAN, AGED 31 YEARS,
W/O. SURAJ JACOB, NOW RESIDING AT RANI PINK,
DOOR NO.39/5386, PLOT NO.1, PANAMPILLY NAGAR
KOCHI-36.**

**2. STATE OF KERALA
REPRESENTED BY THE S.I. OF POLICE, KUNNATHUNADU
(CRIME NO.432/10)POLICE STATION,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.**

**R1 BY ADV. SRI.PHILIP T.VARGHESE
R2 BY PUBLIC PROSECUTOR SRI. JIBU P. THOMAS**

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

bp

Crl.MC.No. 2081 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE I : **A CERTIFIED COPY OF THE CHARGE SHEET IN PENDING AS CC
CC 241/12 ON THE FILE OF JFCM COURT, KOLENCHERY.**

ANNEXURE II: **PHOTOCOPY OF FIRST INFORMATION STATEMENT GIVEN BY
R1.**

ANNEXURE III: **AFFIDAVIT SWORN BY R1 THE DE FACTO COMPLAINANT IN
ANNEXURE-I.**

RESPONDENT(S)' EXHIBITS **:** **NIL.**

//TRUE COPY//

P.A. TO JUDGE

bp

B.KEMAL PASHA, J.

=====

Crl.M.C. No. 2081 of 2015

=====

Dated this the 6th day of April, 2015

ORDER

Petitioner is the accused in Crime No.432 of 2010 of the Kunnathunadu Police Station, Ernakulam District, registered for the offences punishable under Sections 498A, 448, 323, 294(b) and 506(1) read with Section 34 of the Indian Penal Code.

2. Petitioner has come up with this Crl.M.C. under Section 482 Cr.P.C. for getting Annexure-1 FIR in Crime No.432 of 2010 of the Kunnathunadu Police Station, Ernakulam District, and all further proceedings based on it in C.C.No.241 of 2012 pending before the Judicial First Class Magistrate's Court, Kolenchery, quashed.

3. The allegation against the petitioner is that he has tortured and harassed the defacto complainant, who is the wife of the petitioner, and treated her with cruelty within the meaning of Section 498A IPC, by demanding more dowry.

4. Heard learned counsel for the petitioner, the learned

counsel for the defacto complainant, who is the 1st respondent herein, and the learned Public Prosecutor.

5. According to the petitioner, all the matters in dispute between the petitioner and the defacto complainant have been amicably settled and presently the defacto complainant has no complaints against the petitioner and, therefore, the proceedings against the petitioner may be quashed.

6. The defacto complainant, who is the 1st respondent herein, has filed an affidavit affirming that all the matters in dispute between her and the petitioner have been amicably settled and, therefore, she has no complaints against the petitioner, 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 petitioner, 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-1 FIR in Crime No.432 of 2010 of the Kunnathunadu Police Station, Ernakulam District, and all further proceedings based on it in C.C.No.241 of 2012 pending before the Judicial First Class Magistrate's Court, Kolenchery, are hereby quashed.

Sd/-
B.KEMAL PASHA, JUDGE

stu