

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

MONDAY, THE 8TH DAY OF JUNE 2015/18TH JYAISHTA, 1937

Crl.MC.No. 2209 of 2015

**MC 115/2013 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, KANJIRAPPALLY.
CC 602/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, THIRUVALLA.
CRIME NO. 376/2013 OF PERUMPETTI POLICE STATION, PATHANAMTHITTA DISTRICT.**
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PETITIONER(S)/ACCUSED 1 TO 6:

- 1. K.P.NIYASMON, AGED 27 YEARS,
S/O.LATE P.T.POONKUNJU RAWTHER,
PUTHUPARAMBIL HOUSE, SASTHAMKOYIKKAL,
KODUMUDISERRY MURI, VAIPOOR KARA,
KOTTANGAL, PATHANAMTHITTA DISTRICT.**
- 2. FATHIMA BEEVI, AGED 64 YEARS,
W/O.LATE P.T.POONKUNJU RAWTHER,
PUTHUPARAMBIL HOUSE, SASTHAMKOYIKKAL,
KODUMUDISERRY MURI, VAIPOOR KARA,
KOTTANGAL, PATHANAMTHITTA DISTRICT.**
- 3. NIZAMOL SULFIKAR, AGED 36 YEARS,
W/O.SULFIKAR, VALANJATTIL HOUSE,
KANGAZHA VILLAGE, KANGAZHA P.O, KOTTAYAM.**
- 4. KUNJUMOL FAISAL, AGED 44 YEARS,
W/O.FAISAL, MAVUNGALPURAYIDATHIL VEEDU,
ERUMELI P.O. ERUMELI.**
- 5. NASEEMA SALIM, AGED 41 YEARS,
W/O.MUHAMMED SALIM, MARUTHAMKUNNEL VEEDU,
PAZHAYAMUNDAKKAYAM, MUNDAKKAYAM VILLAGE,
KOTTAYAM DISTRICT.**
- 6. AHAMMED KHAN, AGED 63 YEARS,
S/O.MEERAN RAWTHER, KOTTAPARAMBIL HOUSE,
SASTHAMKOYIKKAL, KODUMUDISERRY MURI,
VAIPOOR KARA, KOTTANGAL,
PATHANAMTHITTA DISTRICT.**

BY ADV. SRI.P.A.SALIM

Crl.MC.No. 2209 of 2015

RESPONDENT(S):

1. AMINA P.SALIM,MAGED 23 YEARS, D/O.K.P.SALIM,
POOTHAKUZH, VALAVANAPARA VEEDU,
KANJIRAPPALLY VILLAGE, KANJIRAPPALLY P.O,
KOTTAYAM DISTRICT, PIN.686 540.
2. STATE OF KERALA,
THROUGH THE STATION HOUSE OFFICER,
PERUMPETTI POLICE STATION, PERUMPETTI P.O,
PATHANAMTHITTA DISTRICT,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, PIN.682 031.

R1 BY ADV. SRI.S.RUSSEL
R2 BY PUBLIC PROSECUTOR SMT.REMA.R

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 08-06-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

mbr/

APPENDIX

PETITIONER(S)' ANNEXURES:

- ANNEXURE A1 - CERTIFIED COPY OF THE CHARGE SHEET IN CC NO.602/2014 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT, THIRUVALLA.**
- ANNEXURE A2 - TRUE PHOTOCOPY OF THE AGREEMENT BETWEEN THE PETITIONERS AND 1ST RESPONDENT DATED 12.2.2015.**
- ANNEXURE A3 - TRUE PHOTO COPY OF THE ORDER IN OP.NO.824/2013 DATED 29.12.2014 OF THE FAMILY COURT, THIRUVALLA.**
- ANNEXURE A4 - TRUE PHOTOCOPY OF THE ORDER IN M.C.NO.115/2013 DATED 31-12-2014 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT, KANJIRAPPALLY.**
- ANNEXURE A5 - ORIGINAL OF THE AFFIDAVIT OF THE 1ST RESPONDENT DATED 26-3-2015.**

RESPONDENT(S)' ANNEXURES: - **NIL**

/TRUE COPY/

P.S. TO JUDGE

mbr/

K. ABRAHAM MATHEW, J.

Crl.M.C. No.2209 of 2015

Dated this the 8th day of June 2015

O R D E R

Petition filed under Sec.482 Cr.P.C.

2. The 1st petitioner and the 1st respondent are husband and wife. The other petitioners are his mother and close relatives. The petitioners are the accused in C.C. No.602 of 2014 on the file of Judicial First Class Magistrate Court, Thiruvalla. The petitioners are alleged to have subjected the second respondent to cruelty and thus committed the offence under Sec.498A of Indian Penal Code. It is submitted that the dispute between the parties has been settled. The request is to quash the proceedings in the criminal case.

2. Heard the learned counsel for the petitioners and for the 1st respondent and the learned Public Prosecutor.

3. The 1st 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 of this Court under Sec.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.602 of 2014 of Judicial First Class Magistrate Court, Thiruvalla are quashed.

Sd/-
K. ABRAHAM MATHEW
JUDGE
/ True Copy /

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P.A. To Judge