

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.ABRAHAM MATHEW

FRIDAY, THE 5TH DAY OF JUNE 2015/15TH JYAISHTA, 1937

Crl.MC.No.2314 of 2015

**CC NO.1437/2009 of JUDICIAL FIRST CLASS MAGISTRATE COURT-II,
KOTTARAKKARA.
CRIME NO.320/2009 OF CHADAYAMANAGALAM POLICE STATION,KOLLAM.**

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PETITIONER/1ST ACCUSED:

**RAJESH,S/O.CHANDRAN,THOTTATHIL VEEDU,
THOTTATHI,NILAMEL VILLAGE,KAITHODE MURI,KOLLAM.**

BY ADV. SRI.B.MOHANLAL

RESPONDENTS/COMPLAINANT:

- 1. STATE OF KERALA,REPRESENTED BY
THE SUB INSPECTOR OF POLICE,
CHADAYAMANGALAM POLICE STATION,
KOLLAM DISTRICT,THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,ERNAKULAM.**
- 2. SMT.PREETHA,D/O.NALINI,ALAYIL VEEDU,
ALAYIL MURI,NILAMEL VILLAGE,NILAMEL P.O,
KOLLAM DISTRICT,PIN-691 535.**

**R1 BY PUBLIC PROSECUTOR SRI.DHANESH MATHEW MANJOORAN.
R2 BY ADV. SRI.A.SANIL KUMAR**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 05-06-2015,THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

pk

Crl.MC.No.2314 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

**ANNEXURE-A1:THE TRUE COPY OF THE COMPLAINANT C.M.P NO.5458/2009
FILED BY THE 2ND RESPONDENT/DEFACTO COMPLAINANT
BEFORE JUDICIAL FIRST CLASS MAGISTRATE COURT-II,
KOTTARAKKARA.**

**ANNEXURE-A2:THE TRUE COPY OF THE FINAL REPORT IN CRIME NO.320/2009
OF CHADAYAMANGALAM POLICE STATION IN KOLLAM
DISTRICT.**

**ANNEXURE-A3:THE TRUE COPY OF THE COMPROMISE ENTERED INTO
BETWEEN THE 1ST ACCUSED AND THE 2ND RESPONDENT
DATED 24/02/2012.**

**ANNEXURE-A4:THE TRUE COPY OF THE AFIDAVIT FILED BY THE 2ND
RESPONDENT DATED 02/04/2015.**

RESPONDENT'S ANNEXURES:

NIL

//TRUE COPY//

P.S. TO JUDGE

pk

K. ABRAHAM MATHEW, J.

Crl.M.C. No.2314 of 2015

Dated this the 5th day of June 2015

O R D E R

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

2. The petitioner and the 2nd respondent are husband and wife. The petitioner is the accused in C.C. No.1437 of 2009 on the file of Judicial First Class Magistrate Court-II, Kottarakkara. The petitioner is alleged to have subjected the second respondent to cruelty and thus committed the offence under Secs.498A and 323 read with Sec.34 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.

3. Heard the learned counsel for the petitioner and for the 2nd respondent and the learned Public Prosecutor.

4. The 2nd 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.1437 of 2009 on the file of Judicial First Class Magistrate Court-II, Kottarakkara are quashed.

Sd/-
K. ABRAHAM MATHEW
JUDGE

/ True Copy /

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P.A. To Judge