

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

THURSDAY, THE 28TH DAY OF MAY 2015/7TH JYAISHTA, 1937

CrI.MC.No. 2937 of 2015 ()

**CC.NO. 1073/2011 OF JUDICIAL FIRST CLASS MAGISTRATE COURT -II, KOLLAM
CRIME NO. 743/2011 OF KOLLAM WEST POLICE STATION , KOLLAM DISTRICT**

PETITIONER(S)/ACCUSED 1 & 2:

- 1. SEENA, AGED 34 YEARS,
D/O.ALFRED, CHARUVILA VEEDU, PERAYAM CHERRI,
MULAVANA VILLAGE, KOLLAM DISTRICT.**
- 2. JASEENTHA, AGED 62 YEARS,
W/O.ALFRED, CHARUVILA VEEDU, PERAYAM CHERRI,
MULAVANA VILLAGE, KOLLAM DISTRICT.**

BY ADV. SRI.K.R.RANJITH

RESPONDENT(S)/DEFACTO COMPLAINANT, INJURED & STATE OF KERALA:

- 1. MATHEW, AGED 38 YEARS, S/O.MARTIN,
MERIL DALE VEEDU,KURISHADIKKU PADINNGARU VASHAM,
NEENDAKARA CHERRI, NEENDAKARA VILLAGE,
KOLLAM DISTRICT-691 582.**
- 2. MARTIN, AGED 62 YEARS,
S/O.MATHYAS, MERIL DALE VEEDU,
KURISHADIKKU PADINNGARU VASHAM, NEENDAKARA CHERRI,
NEENDAKARA VILLAGE, KOLLAM DISTRICT-691 582.**
- 3. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.**

**R1 & R2 BY ADV. SRI.C.RAJENDRAN
R3 BY PUBLIC PROSECUTOR SMT. SAREENA GEORGE**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 28-05-2015, ALONG WITH CRMC.NO. 2922/2015, THE COURT
ON THE SAME DAY PASSED THE FOLLOWING:**

sts

Crl.MC.No. 2937 of 2015 ()

APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEX-A1: THE CERTIFIED COPY OF THE FIR IN CRIME NO.743/2011 OF THE
KOLLAM WEST POLICE STATION.**

**ANNEX-A2: THE CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO.743/2011
OF THE KOLLAM WEST POLICE STATION.**

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

/TRUE COPY/

P.A.TO JUDGE

sts

ALEXANDER THOMAS, J.

Crl.M.C.Nos.2937 & 2922 Of 2015

Dated this the 28th day of May, 2015.

ORDER

Crl.M.C.No.2937/2015 is instituted by the petitioners therein with the prayer to quash the impugned Annexure-A2 Final Report/Charge Sheet in impugned Annexure-A1 FIR in Crime No.743/2011 of Kollam West Police Station which has led to the pendency of C.C.No.1073/2011 on the file of the Judicial First Class Magistrate Court-II, Kollam. The Petitioners herein are made as the accused in that crime initiated at the behest of the contesting respondent No.1 alleging offences under Secs. 341, 323 r/w 34 IPC. This crime arise out of the disharmony in the matrimonial relationship between the very same spouses.

2. Crl.M.C.No.2922/2015 is filed by the petitioners therein with the prayer to quash the impugned Annexure-A2 Final Report/Charge Sheet filed in Annexure-A1 FIR in Crime No.742/2011 of Kollam West Police Station registered for offences punishable under Secs.341, 323, 354 r/w 34 IPC, which has led to the pendency of C.C.No.962/2011 on the file of the Judicial First Class Magistrate Court-

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II, Kollam. In Crl.M.C.No.2922/2015 the petitioners therein are made as accused in that crime initiated by the 1st respondent in the case (Seena), who is the wife of the 1st petitioner in the said Crl.M.C. This crime also arise out of the disharmony in the matrimonial relationship between the very same spouses.

3. Heard Sri.K.R.Ranjith, learned counsel for the petitioners in Crl.M.C.No.2937/2015 (who is also the learned counsel appearing for the contesting respondents 1 & 2 in Crl.M.C.No.2922/2015) and Sri.C.Rajendran, learned counsel appearing for the petitioners in Crl.M.C.No.2922/2015 (who is also the learned counsel appearing for the contesting respondents 1 & 2 in Crl.M.C.No.2937/2015) and the learned Public Prosecutor appearing for the 3rd respondent-State.

4. Counsel on both sides submit that the spouses and family members have resolved all the disputes pending between them to the best satisfaction of both sides and the spouses have agreed to separate and have also agreed that impugned criminal proceedings are quashed with their joint consent by invoking the inherent powers conferred on this Court under Sec. 482 Cr.P.C

5. The learned Public Prosecutor submitted that this Court may consider the prayer for quashing the impugned criminal

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proceedings in the light of the legal principles laid down in this regard.

6. Sri.K.R.Ranjith and Sri. C.Rajendran, learned counsel appearing for the respective petitioners in these two petitions submit that this Court may in the interest of justice allow the prayer for quashment of the impugned criminal proceedings in both these cases in the interest of justice as the disharmony in the relationship has been restored and these spouses have agreed to separate and have resolved all the differences to the best satisfaction for both sides.

7. Having regard to the facts and circumstances of this case and on a perusal of the pleadings and materials on record and after hearing the respective counsel and the learned Public Prosecutor, this Court is of the considered opinion that the plea for quashing the impugned criminal proceedings could be allowed.

8. Accordingly, it is ordered in CrI.M.C.No.2937/2015 that the impugned Annexure-A2 Final Report/Charge Sheet filed in Annexure-A1 FIR in Crime No.743/2011 of Kollam West Police Station which has led to the pendency of C.C.No.1073/2011 on the file of the Judicial First Class Magistrate Court-II, Kollam and all further proceedings against the petitioners arising therefrom stand quashed. In CrI.M.C.No.2922/2015 it is ordered that the impugned Annexure-A2

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Final Report/Charge Sheet filed in Annexure-A-1 FIR in Crime No.742/2011 of Kollam West Police Station which has led to the pendency of C.C.No.962/2011 on the file of the Judicial First Class Magistrate Court-II, Kollam and all further proceedings pending against the petitioners stand quashed. The respective petitioners will produce a certified copy of this order before the Station House Officer concerned as well as before the court below concerned.

With these observations and directions, the Crl.M.Cs stand finally disposed of.

ALEXANDER THOMAS,
Judge.

bkn/-