

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

TUESDAY, THE 26TH DAY OF MAY 2015/5TH JYAISHTA, 1937

Cri.MC.No. 3007 of 2015 ()

**CP 82/2014 of JUDICIAL FIRST CLASS MAGISTRATE COURT-I, THAMARASSERY,
CRIME NO. 315/2014 OF KODUVALLY POLICE STATION, KOZHIKODE**

PETITIONERS/1ST & 2ND ACCUSED :

- 1. BIJOY, AGED 31 YEARS,
S/O. APPU, NIKUNJAM, AKKOPOYIL,
KODUVALLY P.O., KOZHIKODE.**
- 2. ACHUTHY, AGED 31 YEARS,
D/O. SASEENDRAN, KOTTANGTAL,
MAMPATTA MUKKAM P.O., KOZHIKODE.**

**BY ADVS.SRI.SANTHARAM.P
SMT.REKHA ARAVIND
SMT.T.S.REMYA**

RESPONDENTS/COMPLAINANT :

- 1. ASWATHY P., AGED 29 YEARS,
D/O. VIJAYAN, POYIL HOUSE, NARIKKUNI P.O.
KODUVALLY, KOZHIKODE.**
- 2. S.H.O.
KODUVALLY POLICE STATION, KOZHIKODE DIST.**
- 3. STATE OF KERALA
REPRESENTED BY ITS PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, KOCHI-31.**

**R1 BY ADV. SRI.ANOOP JOSEPH
R2 & R3 BY PUBLIC PROSECUTOR SRI. DHANESH MATHEW MANJOORAN**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 26-05-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

Crl.MC.No. 3007 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE I: TRUE COPY OF THE PETITION DATED 22-08-2014 FILED BY THE DE FACTO COMPLAINANT BEFORE THE KODUVALLY POLICE STATION.

ANNEXURE II: TRUE COPY OF THE F.I.R. DATED 22-08-2014 IN CRIME N O. 315/2014 OF KODUVALLY POLICE, KOZHIKODE.

ANNEXURE III: TRUE COPY OF THE FINAL REPORT AND CHARGE IN CRIME NO. 315/2014 DATED 08-10-2014 BY THE SUB INSPECTOR OF POLICE, KODUVALLY.

ANNEXURE IV: A NOTARISED AFFIDAVIT SWORN TO BY THE DE FACTO COMPLAINANT.

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

K.ABRAHAM MATHEW J.

Crl.M.C.No.3007 OF 2015

Dated this the 26th day of May, 2015

ORDER

Petition filed under Section 482 Cr.P.C.

2. The first petitioner is the husband of the first respondent. The second petitioner is his friend. The petitioners have allegedly committed the offences under Sections 308, 323, 448, 498A and 406 IPC. 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 petitioners and for the respondent and the learned Public Prosecutor.

4. The first 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 Section 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.P.No.82 of 2014 on the file of the Judicial Magistrate of the First Class-I, Thamarassery are quashed.

Sd/-
K.ABRAHAM MATHEW
JUDGE

cms

/True copy/

P.S.to Judge