

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

WEDNESDAY, THE 3RD DAY OF JUNE 2015/13TH JYAISHTA, 1937

Crl.MC.No. 3253 of 2015 ()

CC.NO. 936/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, VADAKARA
CRIME NO. 350/2014 OF VATAKARA POLICE STATION,KOZHIKODE DISTRICT

PETITIONERS/ACCUSED:

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- 1. SATHEESH KUMAR, AGED 33 YEARS,
S/O GOPALAKURUP, MAKUZHIYIL HOUSE, PILASSERY WEST,
POTHALA, KUNNAMANGALAM, KOZHIKODE.**
 - 2. MALATHY, AGED 61 YEARS, W/O GOPALAKURUP,
MAKUZHIYIL HOUSE, PILASSERY WEST,
POTHALA, KUNNAMANGALAM, KOZHIKODE.**
 - 3. GANESAN, AGED 39 YEARS,S/O GOPALAKURUP,
MAKUZHIYIL HOUSE, PILASSERY WEST,
POTHALA, KUNNAMANGALAM, KOZHIKODE.**

BY ADV. SRI.SUNNY MATHEW

RESPONDENTS:

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- 1. REESHMA T.P., AGED 35 YEARS,
D/O KRISHNAN, THAYYIDAPOYIL HOUSE, VEEROTHMUKU,
PATHIYARAKKARA PALAYAD NADA, KOZHIKODE DISTRICT.**
 - 2. THE SUB INSPECTOR OF POLICE,
VATAKARA POLICE STATION, KOZHIKODE DISTRICT.**
 - 3. STATE OF KERALA,
(RESPONDENTS 2 & 3 REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.**

R1 BY ADV. SRI.C.C.ANOOP

R2 & R3 BY GOVERNMENT PLEADER SRI.DHANESH MATHEW MANJOORAN

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 03-06-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

sts

Crl.MC.No. 3253 of 2015 ()

APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEX A1: TRUE COPY OF THE FINAL REPORT IN C.C.936/2014 OF THE COURT
OF THE JUDICIAL MAGISTRATE OF FIRST CLASS, VATAKARA.**

ANNEX A2: ORIGINAL AFFIDAVIT SWORN TO BY THE IST RESPONDENT.

RESPONDENT(S)' ANNEXURES:

NIL

/TRUE COPY/

P.A.TO JUDGE

sts

K. ABRAHAM MATHEW, J.

CRL.M.C.No.3253 of 2015

Dated this the 3rd day of June, 2015

O R D E R

Petition filed under section 482 Cr.P.C.

2. First petitioner is the husband of the first respondent. The second petitioner is his mother and the third petitioner is his brother.

3. The petitioners are accused in CC.No.936/2014 on the file of the Judicial First Class Magistrate Court, Vatakara. They are alleged to have subjected her to cruelty and misappropriated her properties and thus committed the offences under Sections 498A, 406 and 323 read with Section 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.

4. Heard the learned counsel for the petitioners and for the second respondent and the learned Public Prosecutor.

5. The second 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 CrI.M.C. is allowed. The proceedings in C.C.No.936/2014 on the file of the judicial First Class Magistrate Court are quashed.

sd/-
K. ABRAHAM MATHEW
JUDGE

R.AV

//True Copy//

PA to Judge