

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

MONDAY, THE 15TH DAY OF JUNE 2015/25TH JYAISHTA, 1937

Crl.MC.No. 3272 of 2015

**CC 998/2013 JUDICIAL FIRST CLASS MAGISTRATE COURT, KASARAGOD.
CRIME NO. 55/2013 OF VIDYA NAGAR POLICE STATION, KASARAGOD.**
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PETITIONER/ACCUSED:

**JOHN D'SOUZA, AGED 42 YEARS,
S/O.THOMAS D'SOUZA, CHITHARI HOUSE,
KOLLANGANA, KALLAKKATTA PO, KASARAGOD.**

BY ADV. SRI.S.JIJI

RESPONDENT(S)/STATE & DEFACTO COMPLAINANT:

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. ANITA D'SOUZA, AGED 29 YEARS,
D/O.LIGORY D'SOUZA, BOLA HOUSE, NARINGANA,
THOUDUGOLI POST, BANTWAL TALUK,
KARANATAKA STATE.**

**R1 BY PUBLIC PROSECUTOR SRI.DHANESH MATHEW MANJOORAN
R2 BY ADV. SMT.K.S.SANTHI**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 15-06-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

APPENDIX

PETITIONER(S)' ANNEXURES:

- ANNEXURE A1 :** TRUE COPY OF THE FIR IN CRIME NO.55/2013 OF VIDYANAGAR
POLICE STATION, KASARAGOD.
- ANNEXURE A2 :** CERTIFIED COPY OF THE CHARGE SHEET IN CRIME NO.55/2013
OF VIDYANAGAR POLICE STATION KASARAGOD.
- ANNEXURE A3 :** AFFIDAVIT DATED 9-5-2015 SWORN BY THE 2ND RESPONDENT.

RESPONDENTS' ANNEXURES: NIL.

//TRUE COPY//

P.S. TO JUDGE

mbr/

K. ABRAHAM MATHEW, J.

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Crl. M.C. No. 3272 of 2015

Dated this the 15th day of June, 2015

O R D E R

Petition filed under section 482 Cr.P.C.

2. The petitioner and the second respondent are husband and wife. The petitioner is the accused in C.C. No.998 of 2013 on the file of the Judicial First Class Magistrate-I, Kasargod. They are alleged to have subjected the second respondent to cruelty and thus committed the offences under sections 498A of 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 petitioner and for the second respondent and the learned Public Prosecutor.

4. 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.

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In the result, this Crl. M.C. is allowed. The proceedings in C.C. No.998 of 2013 on the file of the Judicial First Class Magistrate-I, Kasargod are quashed.

Sd/-
K. ABRAHAM MATHEW,
JUDGE

DST

//True copy//

P.A. To Judge