

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 9TH DAY OF JANUARY 2015/19TH POUSHA, 1936

Cr1.MC.No. 2591 of 2014

IN CC 1009/2013 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT,
KARUNAGAPPALLY

PETITIONERS/ACCUSED 1 TO 3:

1. ANJANA T.MOHANAN,
D/O.MOHANAN, SAYOOJIYAM VEEDU, KAPPIL MURI,
KRISHNAPURAM VILLAGE, KARTHIKAPPALLY TALUK,
ALAPPUZHA DISTRICT.
2. THULASIBHAI,
W/O.MOHANAN, SAYOOJIYAM VEEDU, KAPPIL MURI,
KRISHNAPURAM VILLAGE, KARTHIKAPPALLY TALUK,
ALAPPUZHA DISTRICT.
3. SYAMDHARAN,
PATTATHIL HOUSE, PUTHUPPALLY VILLAGE,
KARTHIKAPPALLY TALUK, KAYAMKULAM,
ALAPPUZHA DISTRICT.

BY ADV. SRI.B.MOHANLAL

RESPONDENTS/COMPLAINANT:

1. VARUNKUMAR,
KATTIL PARAMBIL, ARAMAM, KRISHNAPURAM MURI,
KRISHNAPURAM VILLAGE, KRISHNAPURAM.P.O.
KARTHIKAPPALLY TALUK, ALAPPUZHA DISTRICT.690 514.
2. STATE
REPRESENTED BY THE SUB INSPECTOR OF POLICE,
KAYAMKULAM POLICE STATION, ALAPPUZHA DISTRICT,
THROUGH THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM-682 031.

R1 BY ADV. SRI.A.SANIL KUMAR

R2 BY SR. PUBLIC PROSECUTOR SAREENA GEORGE.P

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON
09-01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Crl.MC.No. 2591 of 2014

APPENDIX

PETITIONERS' ANNEXURES:

ANNEXURE A1- COPY OF THE COMPLAINT FILED BY THE 1ST RESPONDENT
BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT, KARUNAGAPPALLY.

ANNEXURE A2- COPY OF THE SUMMONS ISSUED TO THE 1ST PETITIONER.

ANNEXURE A3- COPY OF THE JUDGMENT IN O.P.NO.206/2013 DATED
17.10.2013 OF THE FAMILY COURT, MAVELIKKARA.

ANNEXURE A4- COPY OF THE APPLICATION DATED 05.04.2014 FILED BY
THE 1ST RESPONDENT BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE
COURT, KARUNAGAPPALLY.

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

ab

P.UBAID, J.

Crl.M.C No.2591 of 2014

Dated this the 9th day of January, 2015

O R D E R

The petitioners herein are the three accused in C.C No.1009/2013 before the Judicial First Class Magistrate Court, Karunagappally. The first respondent herein is the complainant in the said case. The offences alleged by the first respondent in the Annexure A1 complaint brought by him before the court below are under Sections 109, 114, 120B, 193, 206, 209, 403, 406, 418, 419, 465 and 468 of the Indian Penal Code. The said complaint happened to be filed in connection with some family dispute or matrimonial dispute between the first petitioner herein and the first respondent herein. Their marital tie stands dissolved. Annexure A3 decree of divorce was granted on the basis of an amicable settlement and resolution of the whole dispute, made by the parties. Now the petitioners seek orders quashing the prosecution in C.C. No.1009/2013 on the ground that in view of the amicable resolution of the whole dispute this prosecution cannot continue.

2. The learned counsel for the first respondent

submits in open court that the whole dispute stands settled and resolved forever, and that the complainant does not want to prosecute the matter further. It is submitted that the first respondent has no objection at all, and that the prosecution could be quashed as sought. I find that the whole dispute between the parties stands resolved and nothing remains to be settled. In the above circumstances, the pending prosecution can also be quashed.

In the result, this Criminal Miscellaneous Case is allowed. The prosecution against the petitioners herein in C.C No.1009/2013 before the Judicial First Class Magistrate Court, Karunagappally, will stand quashed under Section 482 of the Code of Criminal Procedure. Accordingly, the petitioners will stand released from prosecution, and the bail bond, if any, executed by them will stand discharged.

**P.UBAID
JUDGE**

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