IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

WEDNESDAY, THE 8TH DAY OF JULY 2015/17TH ASHADHA, 1937

Crl.MC.No. 4009 of 2015

CMP 742/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, PIRAVOM
CRIME NO. 1100/2014 OF PIRAVAM POLICE STATION, ERNAKULAM

PETITIONER(S)/ACCUSED:

THOMAS @ BINU, AGED 38 YEARS,
S/O CHACKO, KOTTAKAL HOUSE, ANGADY,
CHANGANASSERY - 686 101.

BY ADV. SRI.SEBASTIAN JOSEPH (KURISUMMOOTTIL)

RESPONDENT(S)/STATE/DFACTO COMPLAINANT:

1. **STATE OF KERALA,**
   REPRESENTED BY THE PUBLIC PROSECUTOR,
   HIGH COURT OF KERALA,
   ERNAKULAM - 682 031.

2. **SARAMMA @ SOUMYA, AGED 34 YEARS,**
   D/O JOY, PENATTU HOUSE, KARIKODU,
   MULANTHURUTHY, PIRAVAM, ERNAKULAM RURAL,
   NOW RESIDING AT KALAYIL HOUSE, ONAKKOOR, PIRAVOM,
   ERNAKULAM RURAL, KERALA, INDIA - 683 101.

R1 BY PUBLIC PROSECUTOR SRI.DHANESH MATHEW MANJOORAN
R2 BY ADVS. SRI.JOHNSON K.KURIEN
SMT.SMITHA PILLAI

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 08-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

msv/

Crl.MC.No. 4009 of 2015

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE A1: THE CERTIFIED COPY OF THE FIR NO. 1100/2014 OF PIRAVOM POLICE STATION IN THE RESULT OF C.M.P NO 742/14 PENDING ON THE FILES OF JUDICIAL FIRST CLASS MAGISTRATE COURT, PIRAVOM.

ANNEXURE A2: TRUE COPY OF THE AFFIDAVIT BY THE 2ND RESPONDENT STATING THAT ALL THE DISPUTES ARE SETTLED BETWEEN THE PETITIONER & 2ND RESPONDENT

RESPONDENT(S)' ANNEXURES:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

K. ABRAHAM MATHEW, J.

Crl.M.C. No.4009 of 2015

Dated this the 8th day of July 2015

O R D E R

Petition filed under Sec.482 Cr.P.C.

2. The 1st petitioner and the 2nd respondent are husband and wife. The petitioner is accused in Crime No.1100 of 2014 of Piravom Police station. He is alleged to have subjected the 2nd respondent to cruelty, uttered obscene words, assaulted and threatened her and thus committed the offence under Sec.498A, 323, 294(b), 447 (A) and 506 of the 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.

3. Heard the learned counsel for the petitioner and for the 2nd 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 Sec.482 Cr.P.C. to quash the proceedings in the criminal case.

In the result, this Crl.M.C. is allowed. The proceedings in Crime No.1100 of 2014 of Piravom Police station are quashed.

Sd/-
K. ABRAHAM MATHEW
JUDGE
/ True Copy /

NS P.A. To Judge