

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 31ST DAY OF MARCH 2015/10TH CHAITHRA, 1937

Crl.MC.No. 2898 of 2014 ()

CC. NO.706/2011 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-I, ATTINGAL.
CRIME NO. 288/2011 OF ATTINGAL POLICE STATION.

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PETITIONER/ACCUSED:

**SABARINATHAN, AGED 33 YEARS,
S/O. SIVASANKARAN NAIR, 'GIRI',
KOCHALUMOODU, AVANANVANCHERY P.O.,
ATTINGAL, THIRUVANANTHAPURAM.**

BY ADV. SMT.KEERTHI SOLOMON.

RESPONDENTS/STATE AND COMPLAINANT:

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

**2. VIDHYA. U.S.,
D/O. USHA, 'USHAS', MAAVINMOODU,
KALLAMBALAM, ATTINGAL P.O.,
THIRUVANANTHAPURAM-695 101.**

**R1 BY PUBLIC PROSECUTOR SRI.JIBU P.THOMAS.
R2 BY ADV. SRI.JOLLY ABRAHAM.**

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD
ON 31-03-2015, ALONG WITH CRL.MC. NO.6214 OF 2014, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

rs.

APPENDIX

PETITIONER'S ANNEXURES:-

- | | |
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| ANNEXURE A1 | COPY OF THE COMPLAINT FILED BY THE 2ND RESPONDENT IN CRIME NO.288/2011 BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT-I, THIRUVANANTHAPURAM. |
| ANNEXURE A2 | COPY OF THE FIR IN CRIME NO.288/2011 OF ATTINGAL POLICE STATION DATED 04/03/2011. |
| ANNEXURE A3 | COPY OF THE FINAL REPORT IN CRIME NO.288/2011 OF ATTINGAL POLICE STATION DATED 09/08/2011. |
| ANNEXURE A4 | COPY OF THE ORDER IN M.C. NO.141/2011 DATED 10/03/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-I, ATTINGAL. |
| ANNEXURE A5 | COPY OF THE COMPROMISE PETITION DATED 08/02/2014 FILED IN M.C. NO.141/2011 BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT-I, ATTINGAL. |
| ANNEXURE A6 | COPY OF THE RECEIPT DATED 25/04/2014 GIVEN BY THE 2ND RESPONDENT. |
| ANNEXURE A7 | COPY OF THE O.P. NO.440/2014 DATED 25/04/2014 FILED BEFORE THE FAMILY COURT, ATTINGAL. |

RESPONDENT'S ANNEXURES:- **NIL.**

//TRUE COPY//

PA. TO JUDGE

rs.

B.KEMAL PASHA, J.

Crl.M.C.Nos.2898 and 6214 of 2014

Dated this the 31st day of March 2015

ORDER

The petitioner in Crl.M.C.No.2898/2014, who is the first accused and the petitioners in Crl.M.C. No.6214/2014, who are accused 2 to 4, in Crime No.288/2011 of the Attingal Police station, presently pending as C.C. No.706/2011 of Judicial First Class Magistrate's Court-1, Attingal, for the offences punishable under Sections 498A, 406, 494 and 506(ii) read with Section 34 of the I.P.C., have come up under Section 482 of Cr.P.C., for getting Annexure-1 complaint, Annexure -2 FIR and Annexure-3 Final Report in the above crime and all further proceedings based on it in C.C. No.706/2011 of Judicial First Class Magistrate's Court-1, Attingal, quashed.

2. The allegation against the petitioners is that they have tortured and harassed the *de-facto complainant*, who is the wife of the 1st petitioner and treated her with cruelty, within the meaning of Section 498A of the Indian Penal Code.

3. According to the petitioners, the matter has been amicably settled between them and the de-facto complainant, who is the second respondent herein. It is submitted that the first petitioner in Crl.M.C. No.6214/2014 and the *defacto complainant* have decided to file a joint divorce petition before the Family Court.

4. The second respondent has filed an affidavit stating that the matter has been amicably settled. She has no objection in quashing Annexure-1 complaint, Annexure -2 FIR and Annexure-3 Final Report in the said crime and all further proceedings referred to above. The second respondent has entered appearance through her counsel. The learned counsel for second respondent also

endorses the fact that the affidavit has been sworn in by the second respondent. When the matter has been amicably settled between the parties, being a matrimonial dispute, this Court is of the view that it is just and proper in the interest of justice, to quash Annexure-1 complaint, Annexure -2 FIR and Annexure-3 Final Report in the above crime and all further proceedings referred to above.

In the result, this Crl.M.C. is allowed. Annexure-1 complaint, Annexure -2 FIR and Annexure-3 Final Report in crime No.288/2011 of Attingal police station and all further proceedings based on it in C.C. No.706/2011 of Judicial First Class Magistrate's Court-1, Attingal, are quashed.

Sd/-
B.KEMAL PASHA,
JUDGE

dl

// TRUE COPY //

PA to Judge