

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. 4090 of 2015 ()

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CC 1054/2014 of JUDICIAL FIRST CLASS MAGISTRATE COURT, MALAPPURAM
CRIME NO. 788/2014 OF MALAPPURAM POLICE STATION, MALAPPURAM
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PETITIONERS/ACCUSED NOS.1,2 & 3 :

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- 1. DEVIDAS V.P., AGED 34 YEARS,
S/O.BALAKRISHNANUNNI, CHENDRATHODI HOUSE,
AALUMKOOTTAM, CHERUKARA, MALAPPURAM.**
 - 2. BALAKRISHNANUNNI.V.P, AGED 70 YEARS
S/O.KUTTAPPA PANIKKER, CHENDRATHODI HOUSE
AALUMKOOTTAM, CHERUKARA, MALAPPURAM.**
 - 3. KAVITHA.V.P, AGED 39 YEARS,
D/O.BALAKRISHNANUNNI, W/O SAJAN, CHENDRATHODI HOUSE
AALUMKOTTAM, CHERUKARA, MALAPPURAM.**

**BY ADVS.SRI.P.K.NIJOY
SRI.MAHESH V.MENON**

RESPONDENTS/STATE & COMPLAINANT :

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- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
 - 2. NEETHUNATH.K, AGED 23 YEARS,
D/O.THRILOKANATHAN, VISHNUPADAM HOUSE, ANNUNNIPARAMBA
DOWNHILL, MALAPPURAM-676519.**

R1 BY PUBLIC PROSECUTOR SRI. DHANESH MATHEW MANJOORAN

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

bp

Crl.MC.No. 4090 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE-A1: CERTIFIED COPY OF THE FIR IN CRIME NO.966 OF 2013
DATED 12-11-2013**

**ANNEXURE-A2: CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO.788 OF 2014
BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE
COURT,MALAPPURAM.**

**ANNEXURE-A3: TRUE COPY OF THE AFFIDAVIT DATED 22-6-2015 OF THE 2ND
RESPONDENT.**

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A.TO JUDGE

bp

K. ABRAHAM MATHEW, J.

Crl.M.C. No.4090 of 2015

Dated this the 8th day of July 2015

ORDER

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

2. The 1st petitioner and the 2nd respondent are husband and wife. The other petitioners are his father and sister. The petitioners are the accused in C.C. No.1054 of 2014 on the file of Judicial First Class Magistrate Court, Malappuram. They are alleged to have subjected the second respondent to cruelty and misappropriated her properties and thus committed the offences under Secs.498A and 406 read with Sec.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.

3. Heard the learned counsel for the petitioners 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 C.C. No.1054 of 2014 on the file of Judicial First Class Magistrate Court, Malappuram are quashed.

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

NS

P.A. To Judge