

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

MONDAY, THE 6TH DAY OF JULY 2015/15TH ASHADHA, 1937

Crl.MC.No. 4104 of 2015

CC 917/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT - I, PUNALUR
CRIME NO. 159/2014 OF KULATHUPUZHA POLICE STATION, KOLLAM

PETITIONER(S)/ACCUSED:

1. BIJU CHERIYAN, AGED 32 YEARS,
S/O.CHERIYAN, VENGALIL HOSUE, PALLIPPAD P.O.,
ALAPPUZHA DISTRICT, NOW RESIDING AT B-18, DDA FLATS,
SHIVAJI ENCLAVE, DELHI - 27.
2. JOHN CHERIYAN, AGED 39 YEARS,
S/O.CHERIYAN, VENGALIL HOSUE, PALLIPPAD P.O.,
ALAPPUZHA DISTRICT, NOW RESIDING AT HOUSE NO.133 B,
DDA FLATS, SHIVAJI ENCLAVE, DELHI - 27.
3. ANNAMMA BIJOY, AGED 46 YEARS,
D/O.CHERIYAN, VENGALIL HOSUE, PALLIPPAD P.O.,
ALAPPUZHA DISTRICT, NOW RESIDING AT D-42,
TAGORE GARDEN EXT., DELHI - 27.
4. VARGHESE CHERIYAN @ BABU, AGED 43 YEARS,
S/O.CHERIYAN, VENGALIL HOUSE, PALLIPPAD P.O.,
ALAPPUZHA DISTRICT.

BY ADVS.SRI.V.MADHUSUDHANAN
SRI.S.SANKARAN THAMPI
SRI.S.MAHESWARAN THAMPY

RESPONDENT(S)/DEFACTO COMPLAINANT & STATE:

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1. FEBBA JOHNSON, AGED 26 YEARS,
D/O.KUNJUMOL, BATHEL II, THINKAL KARIKUM VILLAGE,
KULATHUPUZHA, KOLLAM DISTRICT - 691 310,
NOW WORKING AT SABAH MATERNITY HOSPITAL,
SABAH REGION, KUWAIT CITY, KUWAIT.
 2. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.

R1 BY ADV. SRI.A.ARUNKUMAR
R2 BY PUBLIC PROSECUTOR SRI.DHANESH MATHEW MANJOORAN

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
06-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

msv/

Crl.MC.No. 4104 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEXURE AI. TRUE COPY OF THE FINAL REPORT DATED 12.02.2014 IN
CRIME NO.159/14, FILED BY SI OF POLICE, KULATHUPUZHA POLICE
STATION BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE
COURT - I, PUNALUR.**

ANNEXURE AII. TRUE COPY OF THE AFFIDAVIT OF THE 1ST RESPONDENT.

RESPONDENT(S)' ANNEXURES:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

K. ABRAHAM MATHEW, J.

Crl.M.C. No.4104 of 2015

Dated this the 6th day of July 2015

O R D E R

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

2. The 1st petitioner and the 1st respondent are husband and wife. The other petitioners are his brothers and sister. The petitioners are the accused in C.C. No.917 of 2014 on the file of the Judicial First Class Magistrate Court-I, Punalur. They are alleged to have subjected the 1st respondent to cruelty and threatened her and thus committed the offences under Secs.498A and 506(i) 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 1st respondent and the learned Public Prosecutor.

4. The 1st respondent has filed an affidavit to the effect that the dispute between the parties 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.917 of 2014 on the file of the Judicial First Class Magistrate Court-I, Punalur are quashed.

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

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P.A. To Judge