

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

TUESDAY, THE 7TH DAY OF JULY 2015/16TH ASHADHA, 1937

Crl.MC.No. 4167 of 2015

**CC 294/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, TRIPUNITHURA
CRIME NO. 1185/2011 OF HILL PALACE POLICE STATION, ERNAKULAM**

PETITIONER(S)/ACCUSED:

**JOYAL, AGED 31,
S/O.PAUL, MURIMATTATHIL HOUSE, EENGAPPUZHA,
THAMARASSERY, KOZHIKODE DISTRICT.**

BY ADV. SRI.S.VISHNU (TRIPUNITHURA)

RESPONDENT(S)/COMPLAINANT:

- 1. RESHMA, AGED 27 YEARS,
W/O.JOYAL, KOMATHU VADAKKETHIL(H), ILLIPPAKULAM,
BHARANIKKAVU, KARTHIKAPPALLI, ALAPPUZHA,
NOW RESIDING AT SHREYAS, KALIYIKKAL TEMPLE ROAD,
AROOR.**
- 2. STATE OF KERALA,
REPRESENTED BY THE S.I.OF POLICE, (CRIME 1185/11),
HILL PALACE POLICE STATION,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

R1 BY ADV. SRI.P.K.SUBHASH

R2 BY PUBLIC PROSECUTOR SRI.DHANESH MATHEW MANJOORAN

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

msv/

APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEXURE I- A CERTIFIED COPY OF THE FINAL REPORT IN C.C.294/2014 PENDING
ON THE FILE OF JFCM COURT, TRIPUNITHURA.**

**ANNEXURE II- AFFIDAVIT SWORN BY R1 THE DEFACTO COMPLAINANT IN
ANNEXURE-I.**

RESPONDENT(S)' ANNEXURES:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

K. ABRAHAM MATHEW, J.

Crl.M.C. No.4167 of 2015

Dated this the 7th day of July 2015

O R D E R

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

2. The petitioner and the 1st respondent are husband and wife. The petitioner is accused in C.C. No.294 of 2014 on the file of the Judicial First Class Magistrate Court, Tripunithura. He is alleged to have subjected the 1st respondent to cruelty and thus committed the offences under Sec.498A 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 1st respondent and the learned Public Prosecutor.

4. The 1st 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.294 of 2014 on the file of the Judicial First Class Magistrate Court, Tripunithura are quashed.

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

NS

P.A. To Judge