

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 20TH DAY OF JANUARY 2015/30TH POUSHA, 1936

Crl.MC.No. 4618 of 2014 ()

**OP(CR).NO. 1172/2013 OF FAMILY COURT, ALAPPUZHA
FIR.NO. 1238/2013 OF AROOR POLICE STATION , ALAPPUZHA DISTRICT**

PETITIONER(S):

1. RAJESH V.V., AGED 36 YEARS, S/O.LATE VELAYUDHAN,
VILAKUMANTHARAYIL, EZHUPUNNA P.O., CHERTHALA.
2. JANU, AGED 66 YEARS,W/O.LATE VELAYUDHAN,
VILAKUMANTHARAYIL, EZHUPUNNA P.O., CHERTHALA.
3. AMBILY, AGED 34 YEARS,D/O.LATE VELAYUDHAN,
VILAKUMANTHARAYIL, EZHUPUNNA P.O.,CHERTHALA.
4. SHEEJA,AGED 34 YEARS,
W/O.SURAJ, ATTUPURATH HOUSE, MARADU. P.O.,
ERNAKULAM.
5. SURAJ, AGED 36 YEARS,S/O.DHARMAJAN,
ATTUPURATH HOUSE, MARADU P.O.,ERNAKULAM.

**BY ADVS.SMT.P.M.SWAYAM PRABHA
SRI.M.S.ANIL KUMAR**

RESPONDENT(S):

1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031
2. THE SUB INSPECTOR OF POLICE,
AROOR POLICE STATION, ALAPPUZHA DISTRICT-688 001.
3. SUMA P.M., AGED 33 YEARS,
D/O.PADMANABHAN, PULLOOTIL VEETIL,
PERUMBALAM,CHERTHALA, ALAPPUZHA DISTRICT-688 570.

**R1 & R2 BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH
R3 BY ADV. SRI.C.CHANDRASEKHARAN**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 20-01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

sts

APPENDIX

PETITIONER(S)' ANNEXURES:

- ANNEX A1. COPY OF THE COMPLAINT SUBMITTED BY THE 2ND PETITIONER BEFORE THE CIRCLE INSPECTOR OF POLICE, KUTHIYATHODE DATED 20.08.11.
- ANNEX A2. COPY OF THE COMPLAINT DATED 02.09.13 SUBMITTED BY THE 3RD RESPONDENT BEFORE THE SUB INSPECTOR OF POLICE AROOR.
- ANNEX A3. COPY OF THE SETTLEMENT TO TRANSFER 2 CENTS OF PROPERTY IN THE NAME OF THE 3RD RESPONDENT.
- ANNEX A4. COPY OF THE JUDGMENT DATED 31.05.14 PASSED BY THE FAMILY COURT, ALAPPUZHA IN OP (CR) 1172/13.
- ANNEX A5. COPY OF THE PRIVATE COMPLAINT FILED BY THE 3RD RESPONDENT BEFORE THE JFCM COURT, CHERTHALA.
- ANNEX A6. COPY OF THE FIR NO.1238/13 FILED BEFORE THE JFCM COURT, CHERTHALA.
- ANNEX A7. COPY OF THE ORDER DATED 09.01.14 ON THE FILE OF THE HON'BLE DISTRICT COURT, ERNAKULAM IN CRLMC.2501/13.
- ANNEX A8. COPY OF THE ORDER DATED 07.07.14 IN BA 4715/14 PASSED BY THIS HON'BLE COURT.
- ANNEX A9. COPY OF THE ORDER DATED 23.12.13 IN HRMP NO.6690/13 PASSED BY THE KERALA STATE HUMAN RIGHT'S COMMISSION.

RESPONDENT(S)' ANNEXURES: NIL

/TRUE COPY/

P.A.TO.JUDGE

sts

B. KEMAL PASHA, J.

.....
Crl.M.C. No.4618 of 2014
.....

Dated this the 20th day of January, 2015

ORDER

~~~~~

This is a petition filed under Section 482 of the Code of Criminal Procedure.

2. Petitioners are accused Nos.1 to 5 in Crime No.1238/2013 of Aroor Police Station registered for the offence punishable under Section 498A of the Indian Penal Code.

3. Petitioners have come up with this petition for getting Annexure-A6 FIR in Crime No.1238/2013 of Aroor Police Station as against the petitioners and all further proceedings based on it pending before the Judicial First Class Magistrate's Court, Cherthala, quashed.

4. The allegation against the petitioners is that they have tortured and harassed the de facto complainant, who is the wife of the 1<sup>st</sup> petitioner, and treated her with cruelty

within the meaning of Section 498A IPC, by demanding more dowry.

5. Heard learned counsel for the petitioners, the learned counsel for the defacto complainant, who is the 3<sup>rd</sup> respondent herein, and learned Public Prosecutor.

6. According to the petitioners, all the matters in dispute between the petitioners and the defacto complainant have been amicably settled and presently, the defacto complainant has no complaints against the petitioners and, therefore, the proceedings against the petitioners may be quashed.

7. The defacto complainant, who is the 3<sup>rd</sup> respondent herein, has filed an affidavit affirming that all the matters in dispute between her and the petitioners have been amicably settled and, therefore, she has no complaints against the petitioners and, therefore, all further proceedings in the matter referred to above can be quashed. She has entered appearance through her

counsel. The learned counsel for the defacto complainant also endorses the fact that the affidavit has been sworn in by the defacto complainant on her own volition.

8. Through a settlement the petitioner and the 3<sup>rd</sup> respondent are living together as husband and wife and are leading a peaceful married life. When all the matrimonial disputes have been settled between the parties and as the defacto complainant has no complaints against the petitioners, it is only just and expedient in the interest of justice to quash the proceedings referred to above.

In the result, this CrI.M.C. is allowed and Annexure-A6 FIR in Crime No.1238/2013 of Aroor Police Station as against the petitioners and all further proceedings based on it pending before the Judicial First Class Magistrate's Court, Cherthala are hereby quashed.

Sd/-  
**(B.KEMAL PASHA, JUDGE)**

aks/20/01

*// True Copy //*

*PA to Judge*