

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.D.RAJAN

TUESDAY, THE 20TH DAY OF OCTOBER 2015/28TH ASWINA, 1937

CrI.MC.No. 6539 of 2015 ()

CRIME NO. 212/2015 OF ADOOR POLICE STATION, PATHANAMTHITTA

PETITIONER(S)/ACCUSED:

**V.DHANYA AGED 27 YEARS
W/O. DINESHKUMAR, MEENAKSHI SADANAM VEETIL
KONNAMANKOM P.O, ADOOR TALUK
PATHANAMTHITTA DIST 691 523**

BY ADV. SRI.K.K.JAYARAJ NAMBIAR

RESPONDENT(S)/STATE AND DEFACTO COMPLAINANT :

- 1. STATE OF KERALA
(REP.BY THE SUB INSPECTOR OF POLICE
ADOOR POLICE STATION-CR. NO 212/2015 OF ADOOR POLICE
STATION) REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM**
- 2. DINESHKUMAR, AGED 31 YEARS
S/O. CHANDRAN NAIR, CHANDRAVILASOM VEETIL
THENGINAL MURI, PAYYANALLOOR P.O, PALLICKAL VILLAGE
ADOOR TALUK, PATHANATHITTA DISTRICT 689 645**

R1 BY PUBLIC PROSECUTOR SMT.MAYA

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
20-10-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

VS

Crl.MC.No. 6539 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE A1	CERTIFIED COPY OF THE FIR IN CRIME NO 212/2015 OF ADOOR POLICE STATION, ON THE FILE OF THE JUDICIAL FIRST CLASS MAGISTRATE'S COURT, ADOOR
ANNEXURE A2	TRUE COPY OF THE CIRCULAR NO. 20/2011 DATED 21-07-2011 ISSUED FROM POLICE HEADQUARTERS, THIRUVANANTHAPURAM

RESPONDENT(S)' EXHIBITS

NIL

/TRUE COPY/

PA TO JUDGE

VS

P.D.RAJAN, J.

Crl.M.C.No.6539 of 2015

Dated this the 20th day of October, 2015

ORDER

This petition is filed under Section 482 of the Code of Criminal Procedure, for quashing Annexure A1 First Information Report, in Crime No.212/2015 of Adoor Police station, filed under Section 57 of the Kerala Police Act.

2. The facts of the case in a nutshell is that the marriage between the petitioner and second respondent was solemnized on 20.01.2011 at Parthasaradhi swamy temple, Adoor, as per Hindu religious and rites. In the wedlock one child was born to them. At the time of marriage, a sum of Rs.25 lakhs and 50 sovereigns of gold ornaments were given to the second respondent by the parents of the petitioner. The second respondent misappropriated the money and gold ornaments for his own purposes. From the beginning of the marriage, the second respondent and his parents

harassed the petitioner mentally and physically, demanding more dowry. The second respondent is a drunkard and he has no love and affection towards the petitioner and his child. When their relationship got strained, the petitioner approached the Family Court, Pathanamthitta by filing O.P.(HMA)No.919/2015, seeking dissolution of the marriage. The second respondent had filed a complaint on 19.02.2015 for 'person missing' and accordingly, the above crime has been registered under Section 57 of the Kerala Police Act by the first respondent. Being aggrieved by that she preferred this petition.

3. Heard the learned counsel for the petitioner and the learned Public Prosecutor, appearing for the first respondent.

4. The learned counsel for the petitioner contended that the petitioner is not missing and now residing in her friend's house in Thrissur district and today when the case is taken up, she is present before this Court. Annexure A1 was filed by the second respondent only to harass her. In the circumstances, the petitioner prays to quash Annexure A1, invoking the inherent

jurisdiction vested in this Court. The learned Public Prosecutor submitted that the petitioner is changing her location and therefore Police could not trace out the missing wife of the second respondent and not yet interrogated.

5. For ascertaining the truth of the allegation the investigating agency has to question the parties.

In the circumstances, the petitioner is directed to appear before the investigating officer to find out the truth of the allegation. If the investigating agency, after interrogation, feels that there is no man missing in their case, they shall close the matter and set her at liberty. Since a dispute is pending as O.P.(HMA)No.919/2015 before the Family court, Pathanamthitta, they can choose their proper forum for settling the disputes between them. This criminal miscellaneous case is closed, directing the petitioner to appear before the investigating officer on 28.10.2015.

Sd/-
P.D.RAJAN
JUDGE

VS