

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 20TH DAY OF FEBRUARY 2015/1ST PHALGUNA, 1936

Crl.MC.No. 5830 of 2014 ()

**-----
CC. NO.1174/2013 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-II,
PERINTHALMANNA.**

PETITIONERS/ACCUSED:

- 1. MANIKANDADASAN,
S/O.KRISHNANKUTTY, KANHIRATHINGAL HOUSE,
MOOTHEDATH MADAMBU AMSOM, KULLAKKAD DESOM,
OTTAPALAM TALUK, PALAKKAD DISTRICT.**
- 2. KRISHNANKUTTY,
S/O.KRISHNAN, KANHIRATHINGAL HOUSE,
MOOTHEDATH MADAMBU AMSOM, KULLAKKAD DESOM,
OTTAPALAM TALUK, PALAKKAD DISTRICT.**

BY ADV. SRI.P.JAYARAM.

RESPONDENTS/STATE:

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. SUMITHRA, W/O.MANIKANDADASAN,
KANHIRATHINGAL HOUSE, MOOTHEDATH MADAMBU AMSOM,
P.O. KULLAKKAD, KULLAKKAD DESOM,
OTTAPALAM TALUK, PALAKKAD DISTRICT.**

R1 BY PUBLIC PROSECUTOR SRI.JIBU P.THOMAS.

R2 BY ADV. SRI.T.K.BABU.

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD
ON 20-02-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S ANNEXURES:-

- ANNEXURE A1:** TRUE COPY OF THE COMPLAINT IN CRIME NO.58/2012 OF PERINTALMANNA POLICE STATION.
- ANNEXURE A2:** AFFIDAVIT DT. 26-09-2014 SWORN TO AND EXECUTED BY THE DEPONENT/2ND RESPONDENT.
- ANNEXURE A3:** TRUE COPY OF THE NOTICE DT. 04-08-2014 SENT TO SURETY OF THE PETITIONERS NAMED RAMAKRISHNAN FOR RECOVERY OF FINE FROM JUDICIAL FIRST CLASS MAGISTRATE COURT-II, PERINTALMANNA.
- ANNEXURE A4:** TRUE COPY OF THE NOTICE DT. 04-08-2014 SENT TO SURETY OF THE PETITIONERS NAMED SUSHEELA FOR RECOVERY OF FINE FROM JUDICIAL FIRST CLASS MAGISTRATE COURT -II, PERINTALMANNA.

RESPONDENT'S ANNEXURES:- NIL.

//TRUE COPY//

P.A TO JUDGE

rs.

B.KEMAL PASHA, J.

=====

Crl.M.C. No. 5830 of 2014

=====

Dated this the 20th day of February, 2015

ORDER

Petitioners are accused in Crime No.58 of 2012 of the Perinthalmanna Police Station registered for the offence punishable under Section 498A of the Indian Penal Code.

2. Petitioners have come up with this Crl.M.C. under Section 482 Cr.P.C. for getting all further proceedings in C.C.No.1174 of 2013, arising out of Crime No.58 of 2012 of the Perinthalmanna Police Station, pending before the Judicial First Class Magistrate's Court-II, Perinthalmanna, quashed.

3. The allegation against the petitioners is that they have tortured and harassed the defacto complainant, who is the wife of the 1st petitioner, and treated her with cruelty within the meaning of Section 498A IPC, by demanding more dowry.

4. Heard learned counsel for the petitioners, the learned counsel for the defacto complainant, who is the 2nd respondent herein, and the learned Public Prosecutor.

5. 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.

6. The defacto complainant, who is the 2nd 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, hence, 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.

7. Through a settlement, the 1st petitioner and the 2nd 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 Crl.M.C. is allowed and all further proceedings in C.C.No.1174 of 2013, arising out of Crime No.58 of 2012 of the Perinthalmanna Police Station, pending before the Judicial First Class Magistrate's Court-II, Perinthalmanna, are hereby quashed.

Sd/-
B.KEMAL PASHA, JUDGE

stu

//True copy//

P.A to Judge