

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE SUNIL THOMAS

MONDAY, THE 9TH DAY OF NOVEMBER 2015/18TH KARTHIKA, 1937

Crl.MC.No. 7134 of 2015 ()

CRIME NO. 1120/2015 OF PALODE POLICE STATION, THIRUVANANDAPURAM

PETITIONER/ACCUSED:

ANIL KUMAR, AGED 35 YEARS
PONNAPPAN ASSARI, ANIL NIVAS, PLAMOODU
PERINGAMMALA, PALODE, THIRUVANANTHAPURAM -695 563.

BY ADV. SRI.A.S.SHAMMY RAJ

RESPONDENTS:

1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM - 682 031.

2. SARANYA,
D/O. SANTHA KUMARI, SANTHALAYAM, IRAYANCODE
KOPPAM, VITHURA P.O., THIRUVANANTHAPURAM - 695 551.

3. PASSPORT OFFICER,
THIRUVANANTHAPURAM PASSPORT OFFICE, KAITHAMUKKU P.O.
THIRUVANANTHAPURAM - 695 024.

R2 BY ADV. SRI.K.RAJESH KANNAN

R3 BY ADV. SRI.N.NAGARESH, ASSISTANT SOLICITOR GENERAL
BY PUBLIC PROSECUTOR: SMT.MADHUBEN

THIS CRIMINAL MISC. CASE HAVING BEEN HEARD ON 09-11-2015, THE COURT
ON THE SAME DAY PASSED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

ANNEXURE I : CERTIFIED COPY OF THE FIR IN CRIME NO.1120/2015 OF
PALODE POLICE STATION, THIRUVANANDAPURAM DISTRICT

ANNEXURE 2 : COMPROMISE AFFIDAVIT SWORN BY the 2nd RESPONDENT

RESPONDENTS' EXHIBITS: NIL

True Copy /

P.A to Judge

SUNIL THOMAS, J.

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Crl.M.C.No.7134 of 2015

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Dated this the 9th day of November, 2015

ORDER

Petitioner herein is the sole accused in Crime No.1120 of 2015 of Palode Police Station for offence punishable under Section 498A of the Indian Penal Code.

2. The allegation of the prosecution is that the petitioner herein had married the second respondent on 08.09.2011 as per the religious rites and thereafter, living together. A child was born in the matrimonial relationship. Thereafter, the matrimonial relationship got strained and there were alleged instances of physical and mental harassment in connection with demand for dowry. A complaint was lodged, whereupon, crime was registered. Investigation is proceeding.

3. Alleging that the complaint is incorrect and that the continuance of the proceeding would amount to miscarriage of justice, this Crl.M.C. is filed to quash the FIR in crime No.1120 of 2015 of Palode Police Station. When the matter came up for admission, Mr.Rajesh Kannan took notice for the second

respondent and has filed the vakkalath. Learned Assistant Solicitor General of India took notice on behalf of the third respondent, Passport Officer.

4. It was submitted by the learned counsel for the petitioner as well as by the second respondent that the parties have amicably and voluntarily settled all their disputes. They are living together now. It was further submitted by both the counsel that all attempts would be taken by both of them to ensure that the matrimonial relationship is maintained in future.

5. Learned Public Prosecutor on instruction also submitted that instructions have been received that the husband and wife are now living together under the same roof. An affidavit has been filed by the second respondent supporting the claim of the husband that the matter has been amicably settled and that they are living together as husband and wife.

6. In the light of the above statement, nothing further survives. In the interest of maintaining the matrimonial relationship, it is essential that continuance of the further proceedings in Crime No.1120 of 2015 is quashed. No public interest is involved since it is essentially a private dispute.

In the result, Crl.M.C. is allowed. All further proceedings pursuant to crime No.1120 of 2015 of Palode Police Station stands quashed.

Sd/
SUNIL THOMAS
Judge

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