

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 16TH DAY OF FEBRUARY 2015/27TH MAGHA, 1936

Crl.MC.No. 6139 of 2014

**CC 711/2011 of JUDICIAL FIRST CLASS MAGISTRATE'S COURT-II,
NEYYATTINKARA**

PETITIONER(S)/1ST ACCUSED:

**R.VINODH, AGED 36 YEARS
S/O.RAJAYYAN, S.M.HOUSE, NEDIAVILA
IDICHAKKAPLAMOODU, PARASSALA.P.O., THIRUVANANTHAPURAM.**

**BY ADVS.SRI.PIRAPPANCODE V.S.SUDHIR
SRI.JELSON J.EDAMPADAM**

RESPONDENT(S)/COMPLAINANT:

- 1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
OFFICE OF THE ADVOCATE GENERAL, HIGH COURT OF KERALA
ERNAKULAM. (SUB INSPECTOR OF POLICE
PARASSALA POLICE STATION
THIRUVANANTHAPURAM DISTRICT).**
- 2. S.SHAINI,
D/O.ESILY, SATHYA BHAVAN, PUNNAKKAVILA
THIRUPURAM VILLAGE, NEYYATTINKARA TALUK,
THIRUVANANTHAPURAM DISTRICT-695 121.**

**R1 BY PUBLIC PROSECUTOR SRI.JIBU P.THOMAS
R2 BY ADV. SRI.R.V.SREEJITH**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 16-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

APPENDIX

PETITIONER(S)' ANNEXURES

**ANNEXURE I- TRUE COPY OF THE COMPLAINT ALONG WITH THE FIRST
INFORMATION REPORT IN CRIME NO.324/2011 OF PARASSALA POLICE
STATION.**

**ANNEXURE II- TRUE CERTIFIED COPY OF THE FINAL REPORT, NOW PENDING AS
C.C.711/2011 ON THE FILE OF THE JUDICIAL IST CLASS MAGISTRATE'S
COURT-II, NEYYATTINKARA.**

**ANNEXURE III- TRUE COPY OF O.P.NO.706/2014 ALONG WITH THE AFFIDAVIT, FILED
UNDER SECTION 10A OF THE INDIAN DIVORCE ACT BEFORE THE
FAMILY COURT, THIRUVANANTHAPURAM.**

RESPONDENT(S)' ANNEXURES

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

B.KEMAL PASHA, J.

.....
CRL. M.C. No.6139 of 2014
.....

Dated this the 16th day of February, 2015

ORDER

Petitioner is first accused in Crime No.324/2011 of the Parassala Police Station registered for the offences punishable under Sections 498A, 294(b) read with Section 34 of the Indian Penal Code.

2. Petitioner has come up with this Crl.M.C. under Section 482 Cr.P.C. for getting Annexure-II final report in Crime No.324/2011 of the Parassala Police Station and all further proceedings based on it in C.C.711/2011 pending before the Judicial First Class Magistrate's Court-II, Neyyattinkara, quashed.

3. The allegation against the petitioner is that he along with the other accused, have tortured and harassed

the defacto complainant, who is his wife, and treated her with cruelty within the meaning of Section 498A IPC, by demanding more dowry.

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

5. According to the petitioner, all the matters in dispute between the petitioner and the defacto complainant have been amicably settled and presently the defacto complainant has no complaints against the petitioner and, therefore, the proceedings against the petitioner 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 petitioner have been amicably settled and, therefore, she has no complaints against the petitioner, 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. When all the matrimonial disputes have been settled between the parties and as the defacto complainant has no complaints against the petitioner, 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 Annexure-II final report in Crime No.324/2011 of the Parassala Police Station and all further proceedings based on it in C.C.711/2011 pending before the Judicial First Class Magistrate's Court-II, Neyyattinkara, are hereby quashed.

Sd/- B.KEMAL PASHA, JUDGE

ul/-

[True copy]

P.S. to Judge