

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 10TH DAY OF MARCH 2015/19TH PHALGUNA, 1936

CrI.MC.No. 6777 of 2014 ()

CC. NO.37/2013 (L.P. NO. 8/2014) OF CHIEF JUDICIAL MAGISTRATE COURT,
PATHANAMTHITTA

PETITIONER/ACCUSED :

GEE VARGHESE DANIEL, AGED 48 YEARS
S/O C.K.DANIEL, CHARUVILA PUTHEN VEEDU, NADUCILE MURI
THUMPAMON P.O., PATHANAMTHITTA DISTRICT.

BY ADV. SRI.R.SANTHOSH BABU

RESPONDENTS/STATE AND DEFACTO COMPLAINANT :

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1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.
 2. JESSY DANIEL, AGED 43 YEARS
D/O K.DANIEL, REJI BHAVAN, KAIPATTOOR
VALLIKODE VILLAGE, KOZHENCHERRY TALUK,
PATHANAMTHITTA – 689 641.

R1 BY PUBLIC PROSECUTOR SRI. JIBU P. THOMAS
R2 BY ADVS. SRI.N.N.SASI
SRI.RAFEEK A.S.

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 10-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

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...2/-

Crl.MC.No. 6777 of 2014 ()

APPENDIX

PETITIONER(S)' ANNEXURES :

**ANNEXURE A: TRUE COPY OF CHARGE SHEET FINAL REPORT IN CRIME
NO.4010/2012 OF PATHANAMTHITTA POLICE STATION.**

**ANNEXURE B: ORIGINAL OF THE AFFIDAVIT OF 2ND RESPONDENT DATED
25/11/14.**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

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B.KEMAL PASHA, J.

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CRL.M.C. No.6777 of 2014

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Dated this the 10th day of March, 2014

ORDER

Petitioner is the accused in Crime No.1482 of 2012 of the Pathanamthitta Police Station registered for the offence punishable under Section 498A of the Indian Penal Code.

2. Petitioner has come up with this CrI.M.C. under Section 482 Cr.P.C. for getting Annexure-A Final Report in Crime No.1482 of 2012 of the Pathanamthitta Police Station and all further proceedings based on it in C.C.37 of 2013 presently pending as L.P.No.8 of 2014 on the file of the Chief Judicial Magistrate's Court, Pathanamthitta, quashed.

3. The allegation against the petitioner is that he has 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 CrI.M.C. is allowed and Annexure-A Final Report in Crime No.1482 of 2012 of the Pathanamthitta Police Station as against the petitioner and all further proceedings based on it in C.C.37 of 2013, which is presently pending as L.P.No.8 of 2014 on the file of the Chief Judicial Magistrate's Court, Pathanamthitta, are hereby quashed.

Sd/-

B. KEMAL PASHA
JUDGE

DSV/11/3/15