

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 16TH DAY OF OCTOBER 2015/24TH ASWINA, 1937

Cri.MC.No. 6829 of 2014 ()

**C.C.NO. 675/2012 of JUDICIAL FIRST CLASS MAGISTRATE COURT I, THIRUVANANTHAPURAM
CRIME NO. 991/2012 OF SREEKARYAM POLICE STATION , THIRUVANANTHAPURAM**

PETITIONER/ACCUSED:

**GEE VARGHESE, AGED 62 YEARS,
S/O.SCARIA GEORGE, 18 A,
KALLUMPURATHUVILAYIL HOUSE, DEVASWOM LANE,
KAIRALI NAGAR, KESHAVADASAPURAM, NAALAM CHIRA,
ULLOOR, THIRUVANANTHAPURAM, KERALA STATE.**

**BY ADVS.SRI.P.HARIDAS
SRI.P.C.SHIJIN**

RESPONDENTS/STATE, COMPLAINANT & DEFACTO COMPLAINANT:

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA ERNAKULAM - 682 031.**
- 2. SUB INSPECTOR OF POLICE,
SREEKARYAM, THIRUVANANTHAPURAM - 695 017.**
- 3. SARAMMA GEORGE,
W/O.P.V.GEORGE, THENGHINVILA HOUSE, KODUMAN P.O,
ADOOR TALUK, PATHANAMTHITTA - 691 555.**

R BY PUBLIC PROSECUTOR SMT. SHEEBA M.T.

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
16-10-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

AK

Crl.MC.No. 6829 of 2014 ()

APPENDIX

PETITIONER(S)' ANNEXURE:

**ANNEXURE 1 - TRUE COPY OF THE FIR NO.991/2012 WITH FIS OF SREEKARYAM POLICE
DATED 29-09-2012.**

ANNEXURE 2 - TRUE COPY OF FINAL REPORT FILED IN ANNEXURE-1 DATED 28-09-2012

**ANNEXURE 3 - TRUE COPY OF COMPROMISE PETITION DATED 16-03-2013 FILED IN OP
NO.231/2011 BEFORE THIRUVALLA FAMILY COURT.**

RESPONDENT(S)' ANNEXURE:

NIL

/TRUE COPY/

P.A. TO JUDGE

AK

P.UBAID, J.

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Crl.M.C.No.6829 of 2014
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Dated this the 16th day of October, 2015

ORDER

The petitioner herein is the sole accused in C.C.No.675 of 2012 of the Judicial First Class Magistrate court-I, Thiruvananthapuram, The petitioner is none other than the father-in-law of the defacto complainant's son. The offences involved in this case are under Sections 294(b), 323 and 354 IPC. The complaint itself shows that the alleged incident of assault on the defacto complainant happened in connection with the matrimonial dispute between her son and the daughter-in-law. The petitioner seeks orders quashing the prosecution on the ground that the complaint is in fact baseless, and that the whole matrimonial dispute now stands settled amicably.

2. In spite of notice, the defacto complainant remained absent in this proceeding. On a perusal of the complaint, I find that this is a very simple case of assault, and the complaint does not contain anything to bring the case under Section 354 IPC. The

Station House Officer has now filed a statement through the learned Public Prosecutor that the matrimonial dispute between the defacto complainant's son and his wife now stands settled, and their marriage stands dissolved by a decree of the Family Court, Pathanamthitta. The Station House Officer has also reported that when he contacted the defacto complainant over telephone, she stated that she is not interested in prosecuting the matter, and that she has no complaint or grievance against the petitioner herein. I am well satisfied that the actual dispute stands resolved forever. The alleged simple incident of assault happened in connection with the said matrimonial dispute will stands resolved. The police report is acceptable that the defacto complainant is not interested in prosecuting the matter, and that she has no objection to the prosecution being quashed.

In the result, this petition is allowed. The prosecution against the petitioner in C.C.No.675 of 2012 of the Judicial First Class Magistrate court-I, Thiruvananthapuram will stand quashed under Section 482 Cr.P.C.

Sd/-
P.UBAID
JUDGE

rkj

//TRUE COPY//

P.A. TO JUDGE