

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 27TH DAY OF JANUARY 2015/7TH MAGHA, 1936

CrI.MC.No. 6987 of 2014 ()

**C.C.NO.1775/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-I, ALUVA
CRIME NO.782/2012 OF ALUVA POLICE STATION, ERNAKULAM DISTRICT**

PETITIONER/ACCUSED:

**SIJO JOSEPH, AGED 37 YEARS,
K.D. JOSEPH, KAVALAKKATTU HOUSE, KALLUR,
ANNAMANADA P.O., THRISSUR DISTRICT.**

**BY ADVS.SRI.P.SANTHOSH (PODUVAL)
SMT.R.RAJITHA
SRI.K.D.SREEVISAKH**

RESPONDENTS/STATE,DEFACTO COMPLAINANT AND VICTIM:

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.**
- 2. MANJU, AGED 36 YEARS,D/O P.F.ALEXANDER,
PULIMOOTTIL HOUSE, HAPPY VILLA,
THAIKKATTUKARA P.O., ALUVA,
ERNAKULAM DISTRICT-683 101.**
- 3. ROSE MARY, AGED 67 YEARS,W/O P.F.ALEXANDER,
PULIMOOTTIL HOUSE, HAPPY VILLA,THAIKKATTUKARA P.O.,
ALUVA, ERNAKULAM DISTRICT-683 101.**

**R1 BY PUBLIC PROSECUTOR SMT. LALIZA.T.Y.
R2 & R2 BY SRI.GEORGE KURUVILLA(ALAPPUZHA)**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 27-01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

sts

APPENDIX

PETITIONER(S)' ANNEXURES:

- ANNEX A:** CERTIFIED COPY OF COMPLAINT FILED BY THE 2ND AND 3RD
RESPONDENTS BEFORE SUPERINTENDENT OF POLICE ALUVA
(RURAL)
- ANNEX B:** CERTIFIED COPY OF THE CHARGE SHEET IN CRIME NO.782/2012 OF
ALUVA POLICE STATION.
- ANNEX C:** CERTIFIED COPY OF THE JOINT DIVORCE PETITION IN O.P.335/2014
ON THE FILES OF FAMILY COURT, IRINJALAKUDA.
- ANNEX D:** AFFIDAVIT SWORN BY THE 2ND RESPONDENT.
- ANNEX E:** AFFIDAVIT SWORN BY THE 3RD RESPONDENT.

RESPONDENT(S)' ANNEXURES: NIL

/TRUE COPY/

P.S.TO.JUDGE

sts

B.KEMAL PASHA, J.

.....
CRL. M.C. No.6987 of 2014
.....

Dated this the 27th day of January, 2015

ORDER

Petitioner is the accused in Crime No.782/12 of the Aluva Police Station, Ernakulam registered for the offence punishable under Sections 323 and 498A of the Indian Penal Code.

2. The petitioner has come up with this CrI.M.C. under Section 482 Cr.P.C. for getting Annexure-B Charge Sheet and all further proceedings in C.C.No.1775/14 on the file of the Judicial First Class Magistrate's Court-I, Aluva, 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.

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 him 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-B Charge Sheet and all further proceedings in C.C.No.1775/14 on the file of the Judicial First Class Magistrate's Court-I, Aluva, are hereby quashed.

Sd/- B.KEMAL PASHA, JUDGE

ul/-

[True copy]

P.S. to Judge