

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 5TH DAY OF JANUARY 2015/15TH POUSHA, 1936

Crl.MC.No. 7067 of 2014

C.C.NO.2030/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT- I, ALAPPUZHA

PETITIONER(S)/ACCUSED :

1. ARUN GOPI @ SABU(A1), AGED 38 YEARS,
S/O.GOPINATHAN, CHITHIRA, MARUTHORVATTOM.P.O.,
CHERTHALA, ALAPPUZHA DISTRICT.
2. SARASWATHY GOPINATH, AGED 63 YEARS,
W/O.GOPINATHAN, CHITHIRA, MARUTHORVATTOM.P.O.,
CHERTHALA, ALAPPUZHA DISTRICT(A2).
3. ARUNIMA, AGED 31 YEARS,
D/O.GOPINATHAN, CHITHIRA, MARUTHORVATTOM.P.O.,
CHERTHALA, ALAPPUZHA DISTRICT(A3).
4. GOPINATHAN.M,(A4) AGED 66 YEARS,
S/O.MADHAVAN, CHITHIRA, MARUTHORVATTOM.P.O.,
CHERTHALA, ALAPPUZHA DISTRICT(A4).

BY ADV. SRI.K.RAMANATHAN

RESPONDENT(S)/STATE & COMPLAINANT (CW1):

1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA- 682 031.
2. SANDHYA, AGED 33 YEARS,
W/O.ARUN GOPI @ SABU, GOVINDALAYAM (GOVINDAVILASAM),
MARUTHORVATTOM.P.O., CHERTHALA,
ALAPPUZHA DISTRICT- 688 547.

R1 BY PUBLIC PROSECUTOR SRI.JIBU.P.THOMAS
R2 BY ADV. SMT.V.PSATHI

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 05-01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Msd.

APPENDIX

PETITIONER(S)' ANNEXURES :

- ANNEXURE A1:** THE TRUE COPY OF F.I.R IN CRIME NO.382/2014 OF MARARIKKULAM POLICE STATION.
- ANNEXURE A2:** THE TRUE COPY OF THE FINAL REPORT IN CRIME NO.382/2014 OF MARARIKKULAM POLICE STATION IN C.C.NO.2030/14 PENDING BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE'S COURT-I, ALAPPUZHA.
- ANNEXURE A3:** THE ORIGINAL AFFIDAVIT SWORN BY THE 2ND RESPONDENT (DEFACTO COMPLAINANT).

RESPONDENT(S)' ANNEXURES :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

B. KEMAL PASHA, J.

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Crl.M.C. No.7067 of 2014
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Dated this the 5th day of January, 2015

ORDER

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This is a petition filed under Section 482 of the Code of Criminal Procedure.

2. Petitioners are accused Nos.1 to 4 in Crime No.382/2014 of Mararikkulam Police Station registered for the offences punishable under Sections 498A and 406 read with Section 34 of the Indian Penal Code.

3. Petitioners have come up with this petition for getting Annexure-A2 final report in Crime No.382/2014 of Mararikkulam Police Station as against the petitioners and all further proceedings based on it in C.C.2030/2014 pending before the Judicial First Class Magistrate's Court-I, Alappuzha, quashed.

4. The allegation against the petitioners is that they have tortured and harassed the de facto complainant, who is the wife of the 1st petitioner, and treated her with cruelty within the meaning of Section 498A IPC, by demanding more dowry after misappropriating her entire gold

ornaments and money.

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

6. According to the petitioners, all the matters in dispute between the petitioners and the defacto complainant have been amicably settled and presently, the defacto complainant has no complaints against the petitioners and, therefore, the proceedings against the petitioners may be quashed.

7. The defacto complainant, who is the 2nd respondent herein, has filed an affidavit affirming that all the matters in dispute between her and the petitioners have been amicably settled and, therefore, she has no complaints against the petitioners and, therefore, 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.

8. When all the matrimonial disputes have been settled between the parties and as the defacto complainant has no complaints against the petitioners, 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-A2 final report in Crime No.382/2014 of Mararikkulam Police Station as against the petitioners and all further proceedings based on it in C.C.2030/2014 pending before the Judicial First Class Magistrate's Court-I, Alappuzha are hereby quashed.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/05/01