

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 6TH DAY OF JANUARY 2015/16TH POUSHA, 1936

Crl.MC.No. 7186 of 2014 ()

**CC 717/2014 of JUDICIAL FIRST CLASS MAGISTRATE COURT-II(FOREST OFFENCES),
MANJERI**

PETITIONERS/ACCUSED :

- 1. PHALGUNAN, AGED 37 YEARS,
S/O.KRISHNAN, MEENANGODE HOUSE, EDAVANNAPPARA
CHERUVAYOOR P.O, MALAPPURAM DIST**
- 2. LOHITAKSHAN, AGED 48 YEARS,
S/O.KRISHNAN, MEENANGODE HOUSE, EDAVANNAPPARA,
CHERUVAYOOR P. O., CHERUVAYOOR P. O., MALAPPURAM DIST**
- 3. K MADHAVAN, AGED 43 YEARS,S/O.JANAKI,
MEENANGODE HOUSE, CHERUVAYOOR P. O.,
MALAPPURAM DIST**

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

RESPONDENTS/DEFACTO COMPLAINANT & STATE :

- 1. SREEDEVI, D/O.SUBRAMANIAN,
UPPUTHURUTHY HOUSE, KANIMANGALAM P. O.,
THRISSUR DIST, PIN-680027**
- 2. STATE OF KERALA
REP BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, 682031**

**R1 BY ADV. SRI.M.REVIKRISHNAN
R2 BY PUBLIC PROSECUTOR SRI. SREEJITH V.S.**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 06-01-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Crl.MC.No. 7186 of 2014 ()

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE A:- CERTIFIED COPY OF FINAL REPORT IN CRIME NO 254/2011 OF
VAZHAKKAD POLICE STATION.**

ANNEXURE B:- AN AFFIDAVIT SWORN BY THE IST RESPONDENT

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.S. TO JUDGE

bp

B.KEMAL PASHA, J.

.....
CRL. M.C. No.7186 of 2014
.....

Dated this the 6th day of January, 2015

ORDER

Petitioners are A1 to A3 in Crime No.254/11 of the Vazhakkad Police Station, Malappuram registered for the offences punishable under Sections 406 and 498A read with Section 34 of the Indian Penal Code.

2. Petitioners have come up with this CrI.M.C. under Section 482 Cr.P.C. for getting Annexure-A Final Report in Crime No.254/11 of the Vazhakkad Police Station, Malappuram and all further proceedings based on it in C.C.No.717/14 pending before the Judicial First Class Magistrate's Court-II, Manjeri, quashed.

3. The allegation against the petitioners is that they have tortured and harassed the defacto complainant, who is the wife of the 1st accused, and treated her with cruelty

within the meaning of Section 498A IPC, by demanding more dowry, after misappropriating her entire gold ornaments and money.

4. Heard learned counsel for the petitioners, the learned counsel for the defacto complainant, who is the 1st respondent herein, and the learned Public Prosecutor.

5. 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.

6. The defacto complainant, who is the 1st 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, 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 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-A Final Report in Crime No.254/11 of the Vazhakkad Police Station, Malappuram and all further proceedings based on it in C.C.No.717/14 pending before the Judicial First Class Magistrate's Court-II, Manjeri, are hereby quashed.

Sd/- B.KEMAL PASHA, JUDGE

ul/-

[True copy]

P.S. to Judge