

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

MONDAY, THE 27TH DAY OF AUGUST 2012/5TH BHADRA 1934

Crl.MC.No. 2866 of 2012 ()

CRIME NO. 407/2012 OF CHATHANNUR POLICE STATION.

PETITIONER(S)/PETITIONERS/ACCUSED-A1 TO 4:

1. SUNIL KUNJAPPAN  
S/O. KUNJAPPAN, THUNDUVILA VEEDU, EDANADU (P.O)  
CHATHANNUR, KOLLAM DISTRICT.
2. KUNJAPPAN  
THUNDUVILA VEEDU, EDANADU (P.O), CHATHANNUR  
KOLLAM DISTRICT.
3. MARYKUTTY  
W/O. KUNJAPPAN, THUNDUVILA VEEDU, EDANADU (P.O)  
CHATHANNUR, KOLLAM DISTRICT.
4. KUNJUMOL  
D/O. KUNJAPPAN, THUNDUVILA VEEDU, EDANADU (P.O)  
CHATHANNUR, KOLLAM DISTRICT.

BY ADV. SRI.K.V.ANIL KUMAR

COMPLAINANT(S)/RESPONDENTS/STATE :

1. STATE OF KERALA  
REPRESENTED BY THE PUBLIC PROSECUTOR  
HIGH COURT OF KERALA, ERNAKULAM-682031.
2. THE SUB INSPECTOR OF POLICE  
CHATHANNUR POLICE STATION, KOLLAM DISTRICT-691001.
3. BIJI THOMAS, AGED 27 YEARS  
D/O. SUSAMMA THOMAS, THEMBAMVILA VEEDU  
VALIYODU (P.O.), CHEPRA, ELAMADU VILLAGE  
KOTTARAKARA TALUK, KOLLAM DISTRICT-691506.

BY ADV. SRI. L.Y. SANGEETH

BY PUBLIC PROSECUTOR SRI. ROY THOMAS

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 27-08-2012,  
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

CRL. M.C. NO. 2866/2012

**APPENDIX**

ANNEXURE A1 : A TRUE COPY OF THE FIR & FIS IN CRIME NO. 407/2012 OF  
CHATHANNUR POLICE STATION.

ANNEXURE A2 : AFFIDAVIT OF THE THIRD RESPONDENT.

/TRUE COPY/

P.A. TO JUDGE.

**V.CHITAMBARESH, J.**

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**Crl.M.C.No.2866 of 2012**  
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**Dated this the 27<sup>th</sup> day of August, 2012**

**ORDER**

Heard the counsel for the petitioners and the contesting third respondent as well as the Public Prosecutor.

2. The criminal case stems out of a marital dispute and the parties have since arrived at a settlement as is borne out by the documents produced. It is contended that the allegations pertaining to the complaint arose due to some misunderstanding and misconception of facts between the spouses.

3. I am convinced that there is no chance of recording a conviction against the accused and the entire exercise of a trial is destined to be an exercise in futility. This is a fit case where the criminal proceedings can be quashed to secure the ends of justice following **Shiji @ Pappu and Others v. Radhika and Another** (AIR 2012 SC 499).

4. All further proceedings in Crime No.407 of 2012 on the file of the Chathannur Police Station are hereby quashed.

Crl.M.C. is disposed of.

**V.CHITAMBARESH,  
Judge.**

nj.