

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

TUESDAY, THE 29TH DAY OF APRIL 2014/9TH VAISAKHA, 1936

CrI.MC.No. 2416 of 2014  
-----

CC 827/2012 of JUDICIAL FIRST CLASS MAGISTRATE COURT-I,VARKALA  
CRIME NO. 291/2012 OF KALLAMBALAM POLICE STATION

PETITIONERS/ACCUSED 1 TO 3:  
-----

1. MANOJKUMAR, AGED 38 YEARS  
S/O.SAHADDEVAN, MANOJSADANAM HOUSE, CHAVARKODE  
KOLLAM.
2. SATHYAVATHY, AGED 56 YEARS  
W/O.SAHADDEVAN, MANOJSADANAM HOUSE, CHAVARKODE  
KOLLAM.
3. MANEESHA, AGED 32 YEARS  
D/O.SATHYAVATHY, MANOJSADANAM HOUSE, CHAVARKODE  
KOLLAM.

BY ADV. SRI.M.L.SURESH KUMAR

RESPONDENT(S)/DEFACTO COMPLAINANT/STATE:  
-----

1. STATE OF KERALA,  
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA  
ERNAKULAM.
2. NINZY MANOJKUMAR,, AGED 30 YEARS  
W/O.MANOJKUMAR, THIRUVONAM, EZHIPURAM CHERRY  
PARIPALLY VILLAGE, KOLLAM DISTRICT.-691574

BY ADV. SRI.A.R.GANGADAS  
BY PUBLIC PROSECUTOR SRI. SHYSON P. MANGUZHA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON  
29-04-2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Crl.MC.No. 2416 of 2014  
-----

APPENDIX

ANNEXURES  
-----

ANNEXURE-A: TRUE COPY OF THE FINAL REPORT IN CRIME NO.291/2012 IN  
C.C.827/2012 OF JFCM-I, VARKALA.

ANNEXURE-B: TRUE COPY OF THE AFFIDAVIT SWORN BY THE 2ND RESPONDENT.

//True Copy//

P.A. To Judge

MrCS

**K. ABRAHAM MATHEW, J**

-----  
CRL.M.C.No. 2416 of 2014  
-----

Dated 29<sup>th</sup> April, 2014  
-----

**ORDER**

The petitioners are accused in C.C.827/2012 on the file of the Judicial First Class Magistrate Court-I, Varkala. The 1<sup>st</sup> petitioner is the husband of the 2<sup>nd</sup> respondent and the other petitioners are his relatives. The petitioners are alleged to have committed the offence under Section 498A IPC. It is submitted that the matter has been settled by the parties concerned. The prayer is to quash the proceedings in the criminal case.

2. Heard the learned counsel for the petitioners, the learned counsel for the 2<sup>nd</sup> respondent and the learned Public Prosecutor.

3. The allegation against the petitioners is that they have committed the offence under

Section 498A IPC. The 2<sup>nd</sup> respondent who is the defacto complainant has filed an affidavit to the effect that the matter has been settled and she has no intention to proceed with the case. In the light of the decision in Gian Singh v. State of Panjab (2012 (4) KLT, 108), it is only proper to quash the proceedings.

In the result, this Crl.M.C is allowed. The proceedings in C.C.827/2012 on the file of the Judicial First Class Magistrate Court-I, Varkala are quashed.

**Sd/-**

**K. ABRAHAM MATHEW,  
Judge**

Mrcs