

Sumod vs State of Kerala

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Court : Kerala

Decided On : Oct-29-2021

Judge : Honourable Mrs. Justice M.R.Anitha

Appeal No. : Crl.MC/4788/2021

Appellant : SUMOD

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MRS. JUSTICE M.R.ANITHA FRIDAY,
THE 29TH DAY OF OCTOBER 2021 / 7TH KARTHIKA, 1943 CRL.MC
NO. 4788 OF 2021 AGAINST THE ORDER/JUDGMENT IN CRLMC
1860/2021 OF DISTRICT COURT & SESSIONS COURT,TRIVANDRUM
IN CRIME NO. 1282/2021 OF THIRUVALLAM POLICE STATION.
PETITIONER/ACCUSED: SUMOD AGED 34 YEARS S/O UNNUNNI,
VANDITHADAM, THIRUVALLAM, THIRUVANANTHAPURAM. BY
ADVS. AMALA.J.RAJ BALAMURALI K.P. S.GOKUL BABU JEREES J.
RESPONDENTS/STATE AND DEFACTO COMPLAINANT:

1 STATE OF KERALA REPRESENTED BY ITS PUBLIC
PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM, KOCHI-

682031. 2 STATION HOUSE OFFICER THIRUVALLAM POLICE STATION, THIRUVANANTHAPURAM, PIN- 3 CHICHU PAULOSE AGED 26 YEARS W/O SUMOD, VANDITHADAM, THIRUVALLAM, THIRUVANANTHAPURAM, PIN- BY ADV RAJU GEORGE (KARUVATTA) PP SRI.RENJIT GERGE,SR PP THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 29.10.2021, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER

This Crl.M.C has been filed seeking to quash the entire Thiruvallam Police Station, which has been registered alleging offence punishable under Section 498 A of IPC. The petitioner is the sole accused in the above crime.

2. Petitioner is the husband of the 3rd respondent. Their

marriage was solemnized on 04.06.2016 at Chengamanad Aroma Auditorium. It is alleged that, after the marriage, while they were residing together in the matrimonial home, she has been subjected to physical and mental torture by the petitioner demanding more dowry and thereby the accused alleged to have committed the aforementioned offence.

3. Adv. Raju George appeared on behalf of the defacto

complainant and he reported about the settlement arrived at between the parties. Annexure-A1 is the certified copy of FIR. Annexure-A2 is the copy of the order dated 26.08.2021 in Crl.M.C No. 1860/2021 granted in favour of the petitioner. Annexure-A3 is the affidavit sworn in by the 3rd respondent.

4. The learned Public Prosecutor produced copy of the statement

of the Station House Officer, Thiruvallam Police Station along with the copy of the statement of the defacto complainant. Affidavit and the Statement of the defacto complainant would reveal that the entire

issues between the petitioner and the defacto complainant have been

amicably settled out of court. And now they are living peacefully with their 2 year old baby. She also stated that she has no interest to prosecute the case against the petitioner.

5. The entire matrimonial issues between the petitioner and

the defacto complainant have been amicably settled out of court. Since all the issues between the parties have been amicably settled, the continuation of proceedings against the petitioner will be an abuse of process of court. In the said circumstances, the entire further Thiruvallam Police Station is hereby quashed. In the result, this Crl.M.C. stands allowed. Sd/- M.R.ANITHA JUDGE rps/ APPENDIX OF CRL.MC 4788/2021 PETITIONER ANNEXURE Annexure A1 CERTIFIED COPY OF FIR IN CRIME NO. 1282/2021 OF THIRUVALLAM POLICE STATION. Annexure A2 TRUE COPY OF THE ORDER DATED 26.08.2021 IN CRL MC NO.1860/2021 PASSED BY THE SESSIONS COURT, THIRUVANANTHAPURAM IN CRL MC NO.1860/2021. Annexure A3 ORIGINAL AFFIDAVIT SWORN BY THE 3RD RESPONDENT BEFORE NOTARY PUBLIC EXPRESSING HER DESIRE AND CONSENT TO WITHDRAWN THE PROSECUTION CASE.

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