

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 15TH DAY OF JANUARY 2015/25TH POUSHA, 1936

Crl.MC.No. 2 of 2015 ()

CRIME NO. 315/2012 OF CHADAYAMANAGALAM POLICE STATION, KOLLAM DISTRICT

PETITIONER/ACCUSED :

1. NAJEEM S.,
S/O.SHAMSUDEEN, AGED 32 YEARS
SAJEENAMANZIL, MANJAPPARA P.O.
KOTTUKKAL VILLAGE, KOLLAM DISTRICT-691533.
2. SHAMSUDEEN M.,
S/O.LATE MUHAMATHALIKUNJU,
AGED 62 YEARS, SAJEENAMANZIL
MANJAPPARA P.O., KOTTUKKAL VILLAGE
KOLLAM DISTRICT-691533.
3. AYISHABEEVI,
W/O.SHAMSUDEEN, AGED 57 YEARS
SAJEENAMANZIL, MANJAPPARA P.O.
KOTTUKKAL VILLAGE, KOLLAM DISTRICT-691533.

BY ADV. SRI.S.M.ALTHAF

RESPONDENT(S) :

1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
THROUGH HIGH COURT OF KERALA, ERNAKULAM.
2. ANEESHYA RAHMAN
D/O. PATHUMMA BEEVI, AGED 28 YEARS
PARUTHIPOYKAYIL HOUSE, CHADAYAMANGALAM P.O.,
CHADAYAMANAGALAM VILLAGE, KOLLAM DISTRICT.

R1 BY ADV. SRI.K.KANIYAPPAN
R2 BY PUBLIC PROSECUTOR JIBU P. THOMAS

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 15-01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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...2/-

Crl.MC.No. 2 of 2015 ()

APPENDIX

PETITIONERS' ANNEXURES :

- ANNEXURE-A1:** CERTIFIED COPY OF THE F.I.R. IN CRIME NO.315/2012 OF CHADAYAMANGALAM POLICE STATION DATED 07.03.2012.
- ANNEXURE-A2:** CERTIFIED COPY OF THE FINAL REPORT SUBMITTED BEFORE THE J.F.C.M., KOTTARAKKARA IN CRIME NO.315/12 DATED 04.04.2012.
- ANNEXURE-A3:** COPY OF THE AFFIDAVIT PREPARED BY THE PETITIONER DATED 23.12.2014 TO BE PRODUCED BEFORE THIS HON'BLE COURT.

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

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B.KEMAL PASHA, J.

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Crl.M.C. No.2 of 2015

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Dated this the 15th day of January, 2015

ORDER

Petitioners are A1 to A3 in Crime No.315 of 2012 of the Chadayamangalam Police Station registered for the offences punishable under Section 498A read with Section 34 of the Indian Penal Code.

2. Petitioners have come up with this Crl.M.C. under Section 482 Cr.P.C. for getting Annexure A2 final report and all further proceedings based on it in C.C.676 of 2014 pending before the Judicial First Class Magistrate's Court, Kadakkal, quashed. After completion of the investigation, the police filed final report before the Judicial First Class

Magistrate's Court-II, Kottarakkara. The learned Magistrate has taken cognizance and numbered the case as C.C.No.546 of 2012. While so, when the new court has been established at Kadakkal, the case has been transferred to the Judicial First Class Magistrate's Court, Kadakkal and the case is renumbered as C.C.No.676 of 2014

3. The allegation against the petitioners is that they have tortured and harassed the defacto 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.

4. Heard learned counsel for the petitioners, the learned counsel for the defacto complainant, who is the 2nd 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 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, 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 A2 final report and all further proceedings based on it in C.C.No.676 of 2014 pending before the Judicial First Class Magistrate's Court, Kadakkal are hereby quashed.

Sd/-
B. KEMAL PASHA
JUDGE

DSV/16/1/15

// True Copy //

P.A. To Judge