

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 3RD DAY OF FEBRUARY 2015/14TH MAGHA, 1936`

Crl.MC.No. 45 of 2015

C.C.NO.238/2014 OF CHIEF JUDICIAL MAGISTRATE COURT, KASARAGOD

CRIME NO. 779/2012 OF VIDYA NAGAR POLICE STATION , KASARGOD

PETITIONER(S)/ACCUSED :

**ABDUL NAVAS, AGED 29 YEARS,
S/O.MAJEED, ASMAS APARTMENTS, CHETTUMKUZHI,
MADHUR VILLAGE, KASARAGOD.**

BY ADV. SRI.T.G.RAJENDRAN

RESPONDENT(S)/COMPLAINANT/STATE :

- 1. FATHIMATH FASMITHA, AGED 28 YEARS,
D/O.BASHEER, CHERANKAI HOUSE, KUDLU P.O,
KASARAGOD- 671 124.**
- 2. SUB INSPECTOR OF POLICE,
VIDYA NAGAR POLICE STATION, KASARAGOD- 671 121.**
- 3. STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM- 682 031.**

**R1 BY ADV. SRI.CIBI THOMAS
R2 & R3 BY PUBLIC PROSECUTOR SRI.JIBU.P.THOMAS**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 03-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' ANNEXURES :

- ANNEXURE I:** TRUE COPY OF THE FINAL REPORT IN CR NO.779/2013.
- ANNEXURE II:** TRUE COPY OF THE AGREEMENT DATED 01-12-2014, BETWEEN THE MOTHER OF PETITIONER AND R1.
- ANNEXURE III:** TRUE COPY OF THE AFFIDAVIT OF THE 1ST RESPONDENT DATED 15.01.2015.

RESPONDENT(S)' ANNEXURES :

NIL

//TRUE COPY//

P.S.TO JUDGE.

Msd.

B.KEMAL PASHA, J.

.....
CRL. M.C. No.45 of 2015
.....

Dated this the 3rd day of February, 2015

ORDER

Petitioner is the accused in Crime No.779/2012 of the Vidya Nagar Police Station, Kasaragod registered for the offence punishable under Section 498A of the Indian Penal Code.

2. Petitioner has come up with this Crl.M.C. under Section 482 Cr.P.C. for getting Annexure-A1 final report in the said Crime presently pending as C.C.238/2014 before the Chief Judicial Magistrate's Court, Kasaragod, quashed.

3. The allegation against the petitioner is that he has tortured and harassed the defacto complainant, who is the wife of the petitioner, and treated her with cruelty within the meaning of Section 498A IPC, by demanding more

dowry.

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

5. According to the petitioner, all the matters in dispute between the petitioner and the defacto complainant have been amicably settled and presently the defacto complainant has no complaints against the petitioner and, therefore, the proceedings against the petitioner 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 petitioner have been amicably settled and, therefore, she has no complaints against the petitioner, 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. Through a settlement the petitioner and the 1st respondent are living together as husband and wife and are leading a peaceful married life. Therefore, 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-A1 final report in Crime No.779/2012 of Vidya Nagar Police Station, Kasaragod and all further proceedings based on it in C.C.238/2014 pending before the Chief Judicial Magistrate's Court, Kasaragod, are hereby quashed.

Sd/- B.KEMAL PASHA, JUDGE

ul/-

[True copy]

P.S. to Judge