

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 11TH DAY OF MARCH 2015/20TH PHALGUNA, 1936

Crl.MC.No. 89 of 2015

C.C.NO. 874/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-I, KOYILANDY

CRIME NO. 581/2014 OF KOYILANDY POLICE STATION , KOZHIKODE

PETITIONER(S)/ACCUSED :

**SHABBER ALI,
S/O. ALIKUNJU, MANANKERI HOUSE, P.O. ERIYAD,
KODUNGALLUR TALUK.**

**BY ADVS.SRI.M.SHAJU PURUSHOTHAMAN
SRI.K.S.RAJESH**

RESPONDENT(S)/DEFACTO COMPLAINANT :

**1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM
REPRESENTING THE SUB INSPECTOR OF POLICE, KOYILANDY- 671 003.**

**2. SISILY,
D/O.KUNJAMMED, SHELTER HOUSE, P.O.PURAKKAD,
PAYYOLI, KOYILANDY TALUK- 671 003.**

**R1 BY PUBLIC PROSECUTOR SRI.JIBU.P.THOMAS
R2 BY ADV. SRI.M.E.ABDUL KADER**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 11-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' ANNEXURES :

**ANNEXURE A: THE CERTIFIED COPY OF THE FINAL REPORT IN
CRIME NO.581 OF 2014 REGISTERED BY THE KOYILANDY
POLICE STATION.**

**ANNEXURE B: THE AFFIDAVIT SWORN BY THE 2ND RESPONDENT
DATED 30.11.2014.**

ANNEXURE C: THE TRUE COPY OF THE AGREEMENT DATED 30.11.2014.

RESPONDENT(S)' ANNEXURES :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

B.KEMAL PASHA, J.

.....
Crl.M.C. No. 89 of 2015

.....
Dated this the 11th day of March, 2015.

ORDER

Petitioner is the accused in Crime No.581/2014 of the Koyilandy Police Station 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-A Final Report in Crime No No.581/2014 of the Koyilandy Police Station and all further proceedings based on it in C.C No.874/2014, pending before the Judicial First Class Magistrate's Court, Koyilandy, quashed.

3. The allegation against the petitioner is that he has tortured and harassed the defacto complainant, who is the wife of the accused, 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 2nd 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 2nd 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. When all the matrimonial disputes have been settled between the parties and as the defacto complainant has no

complaints against the petitioner, 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-A Final Report in Crime No No.581/2014 of the Koyilandy Police Station and all further proceedings based on it in C.C No.874/2014, pending before the Judicial First Class Magistrate's Court, Koyilandy, are hereby quashed.

Sd/-

B. KEMAL PASHA, JUDGE

smm

