

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 21ST DAY OF JANUARY 2015/1ST MAGHA, 1936

Crl.MC.No. 95 of 2015 ()

**CC.NO. 445/2012 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, MALAPPURAM
CRIME NO. 47/2012 OF VENGARA POLICE STATION , MALAPPURAM DISTRICT**

PETITIONER(S)/ACCUSED:

1. RIYAS MON CHALIL,AGED 27 YEARS,
S/O. ABDUL KHADER, RIYAS MANZIL, KUTTALLOOR,
URAKOM, KEEZHMURI, MALAPPURAM DISTRICT.
2. ABDUL KHADER CHALIL, AGED 66 YEARS,
S/O. MOHAMMED MUSLIYAR, RIYAS MANZIL, KUTTALLOOR,
URAKOM, KEEZHMURI, MALAPPURAM DISTRICT.
3. AYISHA EDAKKANDAN, AGED 56 YEARS,
W/O. ABDUL KHADER, RIYAS MANZIL, KUTTALLOOR,
URAKOM, KEEZHMURI, MALAPPURAM DISTRICT.

BY ADV. SRI.P.SAMSUDIN

RESPONDENT(S)/STATE AND DEFACTO - COMPLAINANT:

1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.
(CRIME NO. 476/2012 OF VENGARA POLICE STATION)
2. MUHSINA BANU, AGED 23 YEARS,
D/O. MOHAMMED, PARAKKAT HOUSE, MANATTIPARAMBA,
VENGARA - 676 302, VALIYORA, TIRURANGADI TALUK,
MALAPPURAM DISTRICT.

**R1 BY PUBLIC PROSECUTOR SRI.JIBU P. THOMAS
R2 BY ADV. SRI.K.C.ANTONY MATHEW**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 21-01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Crl.MC.No. 95 of 2015 ()

APPENDIX

PETITIONER(S)' ANNEXURES:

ANNEX A1 - TRUE COPY OF FINAL REPORT SHEET IN CRIME NO. 47/2012 OF VENGARA POLICE STATION.

ANNEX A2 - TRUE COPY OF THE AGREEMENT EXECUTED BETWEEN THE 2ND PETITIONER AND THE 2ND RESPONDENT DT. 26.12.14.

ANNEX A3 - AFFIDAVIT SWORN IN BY 2ND RESPONDENT DT. 01.01.15.

RESPONDENT(S)' ANNEXURES:

NIL

/TRUE COPY/

P.A.TO.JUDGE

sts

B.KEMAL PASHA, J.

=====

CRL.M.C. No.95 of 2015

=====

Dated this the 21st day of January, 2015

ORDER

Petitioners are accused in Crime No.47 of 2012 of the Vengara Police Station registered for the offences punishable under Sections 498A and 406 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-A1 Final Report and all further proceedings based on it in C.C.445 of 2012 pending before the Judicial First Class Magistrate's Court, Malappuram quashed.

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-A1 Final Report and all further proceedings based on it in C.C.No.445 of 2012 pending before the Judicial First Class Magistrate's Court, Malappuram, are hereby quashed.

Sd/-
B. KEMAL PASHA
JUDGE

DSV/22/1/15

// True Copy //

P.A. To Judge