

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 22ND DAY OF JANUARY 2015/2ND MAGHA, 1936

Crl.MC.No. 125 of 2015 ()

CC 1312/2014 of JUDICIAL FIRST CLASS MAGISTRATE COURT-I,HOSDRUG

PETITIONERS/ACCUSED NOS.1 TO 4 :

- 1. ABDUL RAHIMAN, AGED 36 YEARS,
S/O.LATE KUNHAMMED, RESIDING AT MUKKOD HOUSE,
RAVANESHWARAM, CHITTARI VILLAGE, KASARAGOD DISTRICT.**
- 2. DAINABI @ DAINU, AGED 66 YEARS,
W/O.LATE KUNHAMMED, RESIDING AT MUKKOD HOUSE,
RAVANESHWARAM, CHITTARI VILLAGE, KASARAGODDISTRICT.**
- 3. ABDULLA, AGED 41 YEARS,
S/O.LATE KUNHAMMED, RESIDING AT MUKKOD HOUSE,
RAVANESHWARAM, CHITTARI VILLGE, KASARAGOD DISTRICT.**
- 4. SOUDHA A., AGED 36 YEARS, W/O.ABDULLA,
RESIDING AT MUKKOD HOUSE, RAVANESHWARAM,
CHITTARI VILLAGE, KASARAGOD DISTRICT.**

BY ADV. SRI.JAWAHAR JOSE

RESPONDENTS/STATE, DEFACTO - COMPLAINANT & INJURED :

- 1. THE STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM682 031.**
- 2. NUSRATH, AGED 30 YEARS, D/O.ABDUL HAMEED,
RESIDING AT AJANUR AVIKKALKADAPURAM, AJANUR VILLAGE,
HOSDURG TALUK, KASARAGOD DISTRICT PIN - 671 001.**

**R1 BY PUBLIC PROSECUTOR SRI. JIBU P. THOMAS
R2 BY ADV. SRI.V.VINAY MENON**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 22-01-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

Crl.MC.No. 125 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE-A: THE CERTIFIED COPY OF FIR.

ANNEXURE-B: THE CERTIFIED COPY OF FINAL REPORT.

**ANNEXURE-C: THE COPY OF AFFIDAVIT SWEARED BY THE 2ND RESPONDENT
EVIDENCING SETTLEMENT.**

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

B. KEMAL PASHA, J.

.....
Crl.M.C. No.125 of 2015
.....

Dated this the 22nd day of January, 2015

ORDER

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This is a petition filed under Section 482 of the Code of Criminal Procedure.

2. Petitioners are accused Nos.1 to 4 in Crime No.1209/2013 of Hosdurg Police Station registered for the offence punishable under Section 498A of the Indian Penal Code.

3. Petitioners have come up with this petition for getting Annexure-B final report in Crime No.1209/2013 of Hosdurg Police Station as against the petitioners and all further proceedings based on it in C.C.1312/2014 pending before the Judicial First Class Magistrate's Court-I, Hosdurg, quashed.

4. The allegation against the petitioners is that they have tortured and harassed the de facto 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.

5. Heard learned counsel for the petitioners, the learned counsel for the defacto complainant, who is the 2nd respondent herein, and learned Public Prosecutor.

6. 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.

7. 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, therefore, 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.

8. Through a settlement, the 1st petitioner and the 2nd 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. 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 CrI.M.C. is allowed and Annexure-B final report in Crime No.1209/2013 of Hosdurg Police Station as against the petitioners and all further proceedings

CrI.M.C.125/2015

: 4 :

based on it in C.C.1312/2014 pending before the Judicial
First Class Magistrate's Court-I, Hosdurg are hereby
quashed.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/22/01

// True Copy //

PA to Judge