

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

MONDAY, THE 12TH DAY OF JANUARY 2015/22ND POUSHA, 1936

Crl.MC.No. 150 of 2015 ()

**CC 1351/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-I, KOLLAM
CRIME NO. 1648/2013 OF ANCHALUMMOODU POLICE STATION, KOLLAM**

PETITIONERS/ACCUSED NO.1 AND 2 :

- 1. ZIYAD, AGED 33 YEARS
S/O.ABDUL SALAM, ANANTHAM VEETIL, KIZHAKKATHIL
KANDACHIRA, PERINAD P.O., KOLLAM DISTRICT.**
- 2. KULSAM BEEVI
W/O.ABDUL SALAM, AGE 60,
NANTHAM VEETIL, KIZHAKKATHIL
KANDACHIRA, PERINAD P.O., KOLLAM DISTRICT.**

**BY ADVS.SRI.K.ABDUL JAWAD
SRI.MATHEW A.KUZHALANADAN
SMT.VINEETHA V. KUMAR**

RESPONDENTS/STATE & COMPLAINANT :

- 1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682 031.**
- 2. SHEMEERA, AGED 29 YEARS
D/O.NABEESA BEEVI, SHARJAH MANZIL, KERALAPURAM
VELLIMON P.O., KOLLAM - 691 001.**

**R1 BY PUBLIC PROSECUTOR SRI. JIBU P. THOMAS
R2 BY ADV. SRI.S.MOHAMMED AL RAFI**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 12-01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

...2/-

Crl.MC.No. 150 of 2015 ()

APPENDIX

PETITIONERS' ANNEXURES :

**ANNEXURE-A: CERTIFIED COPY OF THE FINAL REPORT IN F.I.R NO.1648/2013
OF ANCHALUMOODU POLICE STATION IN KOLLAM DISTRICT.**

**ANNEXURE-B: ORIGINAL OF THE AFFIDAVIT SWORN BY 2ND RESPONDENT
TO BE PRODUCED BEFORE THIS HON'BLE COURT, STATING
HER NO OBJECTION FOR QUASHING THE PROCEEDINGS
AGAINST THE PETITIONER.**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

K.ABRAHAM MATHEW, J.

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Crl.M.C.No.150 of 2015.
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Dated this the 12th day of January, 2015.

O R D E R

The petitioners are accused in CC.No.1351/2014 on the file of the Judicial Magistrate of the First Class-I, Kollam. It is alleged that they have committed the offences under Sections 323 and 498A IPC. It is submitted that the matter has been settled between the parties and it is prayed that the proceedings in the criminal case may be quashed.

2. Heard the learned counsel for the petitioners and of the 2nd respondent and the learned Public Prosecutor.

3. The first petitioner and the second respondent who is the defacto complainant are husband and wife. The second petitioner is the mother of the first petitioner. The second respondent has entered appearance through a counsel and filed an affidavit to the effect that the matter has been settled and the proceedings in the criminal case may be quashed. I have perused the allegations in the final

report and the averments in the affidavit. I am satisfied that this is a fit case to quash the proceedings in the criminal case.

4. In the result, this petition is allowed. The proceedings in CC.No.1351/2014 on the file of the Judicial Magistrate of the First Class-I, Kollam are quashed. The learned Magistrate may pass appropriate orders for release of the FD receipt produced before him.

Sd/-
K.ABRAHAM MATHEW,
(Judge)

Kvs/-

(true copy)