

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 19TH DAY OF JANUARY 2015/29TH POUSHA, 1936

CrI.MC.No. 233 of 2015 ()

CRIME NO. 89/2011 OF KILIKOLLOOR POLICE STATION, KOLLAM DISTRICT.

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PETITIONERS/ACCUSED 1 TO 4:

- 1. SHANAVAS, AGED 30 YEARS, (A1)
S/O.SHAHULHAMEED, RESIDING AT VELANAZHIKAM,
VELICHIKKALA PO., KOLLAM DISTRICT.**
- 2. SHAHULHAMEED, AGED 60 YEARS, (A2)
RESIDING AT VELANAZHIKAM,
VELICHIKKALA PO., KOLLAM DISTRICT.**
- 3. KHADEEJA BEEVI, AGED 50 YEARS, (A3)
W/O.SHAHULHAMEED, RESIDING AT VELANAZHIKAM,
VELICHIKKALA PO., KOLLAM DISTRICT.**
- 4. SAJEENA, AGED 34 YEARS, (A4)
W/O.BADIHUDEEN, RESIDING AT VELANAZHIKAM,
VELICHIKKALA PO., KOLLAM DISTRICT.**

**BY ADVS.SRI.BINU GEORGE,
SMT.HEMALATHA.**

RESPONDENTS/STATE:

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. SHANIMA, AGED 22 YEARS,
D/O.SHAJAHAN, SHAJI MANZIL (KALLUVILA VEEDU),
THATTARKONAM P.O., PEROOR, KOLLAM DISTRICT-685 012.**

**R1 BY PUBLIC PROSECUTOR SMT.LALIZA. T.Y.
R2 BY ADV. SRI.R.RAJESH (PULLIKADA).**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 19-01-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S ANNEXURES:-

- ANNEXURE-I. CERTIFIED COPY OF THE FIR NO.89/2011 OF KILIKOLLOOR
POLICE STATION.**
- ANNEXURE-II. AFFIDAVIT DATED 12/01/2015 SWORN BY THE
2ND RESPONDENT.**

RESPONDENT'S ANNEXURES:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

B.KEMAL PASHA, J.

.....
CRL. M.C. No.233 of 2015
.....

Dated this the 19th day of January, 2015

ORDER

Petitioners are A1 to A4 in Crime No.89/2011 of the Kilikolloor Police Station, Kollam registered for the offences punishable under Sections 323 and 498A 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-I F.I.R. in Crime No.89/2011 of the Kilikolloor Police Station, Kollam and all further proceedings based on it, 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 complaint 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 complaint 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. 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.

In the result, this Crl.M.C. is allowed and Annexure-I F.I.R. in Crime No.89/2011 of Kilikolloor Police Station, Kollam and all further proceedings based on it in C.C.614/2011 pending before the Judicial First Class Magistrate's Court-I, Kollam, are hereby quashed.

Sd/- B.KEMAL PASHA, JUDGE

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[True copy]

P.S. to Judge