

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 3RD DAY OF FEBRUARY 2015/14TH MAGHA, 1936`

Crl.MC.No. 240 of 2015

**CC 45/2015 OF JUDICIAL FIRST CLASS COURT-I, MANJERI.
CRIME NO. 315/2012 OF KALIKAVU POLICE STATION.**
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PETITIONER/ACCUSED:

**SHAMSUDHEEN, S/O.UNNEENKUTTY,
AGED 30 YEARS, KIZHAKKEYIL HOUSE,
MELE KOOTTAMPARA, POOKKOTTUMPADAM P.O.,
NILAMBUR, MALAPPURAM DISTRICT.**

BY ADV. SRI.T.PRASAD

RESPONDENT(S)/COMPLAINANT & STATE:

- 1. STATE, REPRESENTED BY
THE STATION HOUSE OFFICER,
KALIKAVU POLICE STATION,
MALAPPURAM DISTRICT,
THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. SMT.K.P.SUBIYA, D/O.MOHAMMEDALI,
KUTTIIPPURAVAN HOUSE, KALIKAVU P.O.,
NILAMBUR TALUK, MALAPPURAM DISTRICT, PIN - 676 525.**

**R1 BY PUBLIC PROSECUTOR SRI.JIBU P THOMAS
R2 BY ADV. SRI.A.HAROON RASHEED**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 03-02-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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APPENDIX

PETITIONER(S)' ANNEXURES:

- ANNEXURE-A1:** THE TRUE COPY OF THE FIR IN CRIME NO.315/2012 OF KALIKAVU POLICE STATION PENDING BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT-I, MANJERI.
- ANNEXURE-A2:** THE TRUE COPY OF THE FINAL REPORT IN CRIME NO.315/2012 OF KALIKAVU POLICE STATION PENDING BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT-I, MANJERI IN CC.NO. 45/2015.
- ANNEXURE-A3:** THE NOTORIZED COPY OF THE AFFIDAVIT EXECUTED BY THE 2ND RESPONDENT DATED 30/12/2014.
- ANNEXURE-A4:** THE TRUE COPY OF THE AGREEMENT DATED 30.12.2014.

RESPONDENT(S)' ANNEXURES: - NIL

/TRUE COPY/

P.S. TO JUDGE

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B.KEMAL PASHA, J.

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Crl.M.C. No.240 of 2015

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Dated this the 3rd day of February, 2015

O R D E R

Petitioner is the accused in Crime No.315 of 2012 of the Kalikavu Police Station registered for the offence punishable under Section 498A read with Section 34 of the Indian Penal Code.

2. Petitioner has come up with this Crl.M.C. under Section 482 Cr.P.C. for getting Annexure-A1 FIR and A2 Final Report in Crime No.315 of 2012 of the Kalikavu Police Station, and all further proceedings based on it in C.C.No.45 of 2015 pending before the Judicial First Class Magistrate's Court-I, Manjeri, quashed.

3. The allegation against the petitioner is that he has tortured and harassed the defacto complainant, who is the wife of the petitioner, 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 1 FIR and Annexure-A2 Final Report in Crime No.315 of 2012 of the Kalikavu Police Station, and all further proceedings based on it in C.C.No.45 of 2015 pending before the Judicial First Class Magistrate's Court-I, Manjeri, are hereby quashed.

Sd/-
B.KEMAL PASHA, JUDGE

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