

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE B.KEMAL PASHA**

**THURSDAY, THE 5TH DAY OF FEBRUARY 2015/16TH MAGHA, 1936**

**Crl.MC.No. 286 of 2015**  
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**CC 187/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT - II  
(FOREST OFFENCES), MANJERI.  
CRIME NO. 395/2012 OF KONDOTTY POLICE STATION.**  
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**PETITIONER(S)/ACCUSED NOS. 1 TO 4:**  
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- 1. MR.SIRAJUDDIN, S/O.MR.K.H.PAREED,  
ILLICKAL HOUSE, PULLATHYMOOLA,  
N.A.D.P.O, ALUVA, ERNAKULAM (DIST).**
- 2. MR.K.H.PAREED, S/O.MR.HYDROS,  
ILLICKAL HOUSE, PULLATHYMOOLA  
N.A.D.P.O, ALUVA, ERNAKULAM (DIST).**
- 3. MRS.SUBAIDA, W/O.K.H.PAREED,  
ILLICKAL HOUSE, PULLATHYMOOLA,  
N.A.D.P.O, ALUVA, ERNAKULAM (DIST).**
- 4. MRS.RAZIYA, W/O.KASIM, KARAPPALLIMOOLA,  
VIDYANAGAR, COCHIN UNIVERSITY P.O,  
KALAMASSERY, ERNAKULAM (DIST).**

**BY ADV. SRI.A.B.JALEEL**

**RESPONDENT(S)/COMPLAINANT & DEFACTO COMPLAINANT:**  
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- 1. STATE OF KERALA,  
REPRESENTED BY THE PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. NISHATH K.P, D/O.MOYINKUTTY K.P,  
AGEDN 30 YEARS, THANİYAPURAM,  
THAVANOOR P.O, MALAPPURAM - 673 641.**

**R1 BY PUBLIC PROSECUTOR SRI.JIBU P THOMAS**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION  
ON 05-02-2015, THE COURT ON THE SAME DAY PASSED THE  
FOLLOWING:**

**mbr/**

**APPENDIX**

**PETITIONER(S)' ANNEXURES:**  
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- ANNEXURE A:** CERTIFIED COPY OF THE PRIVATE COMPLAINT NUMBERED AS CMP.NO.1646/2012 FILED BY THE 2ND RESPONDENT BEFORE THE HONOURABLE JUDICIAL FIRST CLASS MAGISTRATE COURT, MALAPPURAM.
- ANNEXURE B:** CERTIFIED COPY OF FIR IN CRIME NO.395/2012 OF KONDOTTY POLICE STATION.
- ANNEXURE C:** CERTIFIED COPY OF FINAL REPORT DATED 17.04.2012.
- ANNEXURE D:** TRUE COPY OF AFFIDAVIT DATED 18.9.2015 SWORN BY 2ND RESPONDENT.
- ANNEXURE E:** TRUE COPY OF AGREEMENT DATED 18.09.2014 EXECUTED BY THE 1ST AND 2ND RESPONDENT.

**RESPONDENT(S)' ANNEXURES:** - NIL  
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/TRUE COPY/

P.S. TO JUDGE

mbr/

**B. KEMAL PASHA, J.**

.....  
Crl.M.C. No.286 of 2015  
.....

*Dated this the 5<sup>th</sup> day of February, 2015*

**ORDER**

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

2. Petitioners are the accused in Crime No.395/2012 of Kondotty Police Station registered for the offences punishable under Sections 498A and 323 IPC.

3. Petitioners have come up with this petition for getting Annexure-B FIR and Annexure-C final report in Crime No.395/2012 of Kondotty Police Station as against the petitioners and all further proceedings based on it in C.C.187/2014 pending before the Judicial First Class Magistrate's Court-II(Forest Offences), Manjeri, quashed.

4. The allegation against the petitioners is that they have tortured and harassed the de facto complainant, who was the wife of the 1<sup>st</sup> 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 2<sup>nd</sup> 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 2<sup>nd</sup> 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. 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-B FIR and Annexure-C final report in Crime No.395/2012 of Kondotty Police Station as against the petitioners and all further proceedings based on it in C.C.187/2014 pending before the Judicial First Class Magistrate's Court-II(Forest Offences), Manjeri, are hereby quashed.

Sd/-  
**(B.KEMAL PASHA, JUDGE)**

aks/05/02

*// True Copy //*

*PA to Judge*