

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 12TH DAY OF FEBRUARY 2015/23RD MAGHA, 1936

Crl.MC.No. 342 of 2015 ()

CP.NO. 67/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, KUNNAMANGALAM
CRIME NO. 536/2014 OF KUNNAMANGALAM POLICE STATION, KOZHIKODE

PETITIONERS/ACCUSED :

-
1. P.M.KABEER, AGED 33 YEARS
S/O.ALAVI, PADINJARE MATTUMMEL, CHERINCHAL
KARANTHOOR P.O., KOZHIKODE DISTRICT-673571.
 2. ALAVI, AGED 54 YEARS
S/O.AHAMMED, PADINJARE MATTUMMEL, CHERINCHAL
KARANTHOOR P.O., KOZHIKODE DISTRICT-673571.
 3. NABEESA, AGED 48 YEARS
W/O.ALAVI, PADINJARE MATTUMMEL, CHERINCHAL
KARANTHOOR P.O., KOZHIKODE DISTRICT-673571.

BY ADV. SRI.P.V.KUNHIKRISHNAN

RESPONDENTS/COMPLAINANT & STATE :

-
1. SHERINA KABEER, AGED 29 YEARS
D/O.PRAVIL ABDURAHIMAN, PARAMMAL VEEDU
KODUVALLY AMSOM DESOM, KOZHIKODE DISTRICT-673017
 2. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, KOCHI-682031

R1 BY ADV. SRI.P.V.ANOOP
R2 BY PUBLIC PROSECUTOR SRI. JIBU P. THOMAS

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 12-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Mn

...2/-

Crl.MC.No. 342 of 2015 ()

APPENDIX

PETITIONERS' ANNEXURES :

ANNEXURE A:- TRUE COPY OF THE CHARGE-SHEET IN CRIME NO. 536/2014
OF KUNNAMANGALAM POLICE WHICH IS NOW PEDING AS CP
NO. 67/2014 ON THE FILE OF THE JUDICIAL FIRST CLASS
MAGISTRATE COURT, KUNNAMANGALAM.

ANNEXURE B:- TRUE COPY OF THE AGREEMENT DTD. 13/6/2014 BETWEEN
THE IST PETITIONER AND IST RESPONDENT.

ANNEXURE C:- TRUE COPY OF THE AFFIDAVIT FILED BY THE FIRST
RESPONDENT DTD 5/1/2015.

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.S. TO JUDGE

Mn

B.KEMAL PASHA, J.

=====

Crl.M.C. No. 342 of 2015

=====

Dated this the 12th day of February, 2015

ORDER

Petitioners are accused in Crime No.536 of 2014 of the Kunnamangalam Police Station registered for the offences punishable under Sections 308, 506(ii) 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-A Final Report in Crime No.536 of 2014 of the Kunnamangalam Police Station and all further proceedings based on it in C.P.No.67 of 2014 pending before the Judicial First Class Magistrate's Court, Kunnamangalam, 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 1st 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 complaints against the petitioners and, therefore, the proceedings against the petitioners may be quashed.

6. The defacto complainant, who is the 1st 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, 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 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-A Final Report in Crime No.536 of 2014 of the Kunnamangalam Police Station and all further proceedings based on it in C.P.No.67 of 2014 pending before the Judicial First Class Magistrate's Court, Kunnamangalam, are hereby quashed.

Sd/-
B.KEMAL PASHA, JUDGE

stu