

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 29TH DAY OF JANUARY 2015/9TH MAGHA, 1936

Crl.MC.No. 349 of 2015

CRIME NO. 1848/2013 OF NJARAKKAL POLICE STATION , ERNAKULAM DISTRICT

PETITIONER(S)/ACCUSED :

1. ISMAIL, AGED 35 YEARS,
S/O.KUNJUMOIDEEN, PANAPPARAMBIL HOUSE,
MENON BAZAR VILLAGE, KODUNGALLUR TALUK, AZHEEKODE P.O.,
THRISSUR DISTRICT.
2. SHAREEFA, AGED 66 YEARS,
W/O.KUMNJUMOIDEEN, PANAPPARAMBIL HOUSE,
MENON BAZAR VILLAGE, KODUNGALLUR TALUK, AZHEEKODE P.O.,
THRISSUR DISTRICT.
3. FATHIMA, AGED 41 YEARS,
W/O.MUHAMMED, THEVARATH VEETIL, MENON BAZAR VILLAGE,
KODUNGALLUR TALUK, AZHEEKODE P.O., THRISSUR DISTRICT.
4. MUHAMMED T.M, AGED 49 YEARS,
THEVARATH VEETIL, MENON BAZAR VILLAGE,
KODUNGALLUR TALUK, AZHEEKODE P.O., THRISSUR DISTRICT.
5. RAHMATH, AGED 36 YEARS,
W/O.SALIM @ SAID MUHAMMED, PANAPPARAMBIL HOUSE,
MENON BAZAR VILLAGE, KODUNGALLUR TALUK, AZHEEKODE P.O.,
THRISSUR DISTRICT.
6. SHAMEERA, AGED 33 YEARS,
W/O.SHAREEF, KILLIYODATH HOUSE, MENON BAZAR VILLAGE,
KODUNGALLUR TALUK, AZHEEKODE P.O., THRISSUR DISTRICT.

BY ADV. SRI.E.C.BINEESH

RESPONDENT(S)/STATE & DEFACTO COMPLAINANT :

1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.
2. SAFEENA, AGED 32 YEARS,
D/O.UMMER M.A., RESIDING AT MOONUKANDATHIL HOUSE,
SOUTH MALIPURAM, PUTHUVYPPU VILLAGE, KOCHI TALUK,
VYPIN, ERNAKULAM DISTRICT, PIN- 682 508.

R1 BY ADV. SMT.M.B.SHYNI

R2 BY PUBLIC PROSECUTOR SRI.JIBU.P.THOMAS

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 29-01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Msd.

APPENDIX

PETITIONER(S)' ANNEXURES :

- ANNEXURE A1:** A TRUE COPY OF THE COMPLAIN IN CRIMINAL
M.P.NO.3502/13 OF JUDICIAL FIRST CLASS MAGISTRATE
COURT- I, KOCHI.
- ANNEXURE A2:** A TRUE COPY OF THE FIRST INFORMATION STATEMENT IN
CRIME NO. 1848/2013 REGISTERED BY THE SUB INSPECTOR
OF POLICE, NJARAKKAL POLICE STATION.
- ANNEXURE A3:** A TRUE COPY OF THE AFFIDAVIT SWORN BY
2ND RESPONDENT DATED 17.01.2015.
- ANNEXURE A4:** A TRUE COPY OF THE AFFIDAVIT SWORN BY
2ND RESPONDENT/ DEFACTO COMPLAINANT
DATED 29.01.2015 MEMORANDUM OF CRIMINAL
MISCELLANEOUS CASE.

RESPONDENT(S)' ANNEXURES :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

B.KEMAL PASHA, J.

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CRL.M.C. No.349 of 2015

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Dated this the 29th day of January, 2015

ORDER

Petitioners are accused in Crime No.1848 of 2013 of the Njarakkal Police Station, registered for the offences punishable under Sections 498A, 506, 447, 323 and 294(b) read with Section 149 of the Indian Penal Code.

2. Petitioners have come up with this Crl.M.C. under Section 482 Cr.P.C. for getting Annexure-A2 First Information Report in Crime No.1848 of 2013 of the Njarakkal Police Station and all further proceedings in the said crime, 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 complaints 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 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-A2 First Information Report in Crime No.1848 of 2013 of the Njarakkal Police Station and all further proceedings in the said crime are hereby quashed.

Sd/-
B. KEMAL PASHA
JUDGE

DSV/29/1/15

// True Copy //

P.A. To Judge

CRL.M.C.No.349 of 2015

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