

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. 353 of 2015

**CC.NO.1167/2012 OF JUDICIAL FIRST CLASS MAGISTRATE COURT - I,
PERUMBAVOOR.
CRIME NO. 86/2012 OF THADIYITTAPARAMBA POLICE STATION, ERNAKULAM.**
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PETITIONER(S)/ACCUSED NO. 1 & 3:

- 1. NOUSHAD, AGED 31 YEARS,
S/O. IBRAHIM, CHIRAYKKATTU HOUSE,
KALLELIMOOLA, CHEMBAREKKI,
VAZHAKULAM VILLAGE, ERNAKULAM DISTRICT.**
- 2. SUHARA AGED 52 YEARS, S/O. IBRAHIM,
CHIRAYKKATTU HOUSE, KALLELIMOOLA,
CHEMBAREKKI, VAZHAKULAM VILLAGE,
ERNAKULAM DISTRICT.**

BY ADV. SRI.T.P.SANTHOSH KUMAR

RESPONDENT(S)/STATE AND CW1:

- 1. STATE OF KERALA, REPRESENTED BY
THE SUB INSPECTOR OF POLICE,
THADIYITTAPARAMBU POLICE STATION,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. JINSHA, AGED 26 YEARS,
CHIRAYKKATTU HOUSE, KALLELIMOOLA,
CHEMBAREKKI, VAZHAKULAM P.O.,
VAZHAKULAM VILLAGE, ERNAKULAM DISTRICT - 686 670.**

**R1 BY PUBLIC PROSECUTOR SRI.JIBU P THOMAS
R2 BY ADV. SRI.LAIJU CHACKO**

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

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APPENDIX

PETITIONER(S)' ANNEXURES:

- ANNEXURE A1 - CERTIFIED COPY OF THE FIR IN CRIME NO. 86/2012 OF THADIYITTAPARAMBU POLICE STATION.**
- ANNEXURE A2 - CERTIFIED COPY OF THE CHARGE SHEET IN CC 1167/2012 PENDING ON THE FILE OF THE LEARNED JUDICIAL FIRST CLASS MAGISTRATE COURT I AT PERUMBAVOOR ARISING OUT OF CRIME NO. 86/2012 OF THADIYITTAPARAMBU POLICE STATION.**
- ANNEXURE A3 - NOTARIZED SWORN STATEMENT OF THE 2ND RESPONDENT DATED 12.12.2014.**
- ANNEXURE A4- TRUE COPY OF THE DEATH CERTIFICATE OF IBRAHIM C.A ISSUED FROM THE REGISTRAR OF BIRTH AND DEATH, VAZHAKULAM GRAMA PANCHAYATH DATED 13.12.2013.**

RESPONDENT(S)' ANNEXURES:

B.KEMAL PASHA, J.

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CRL.M.C. No.353 of 2015

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Dated this the 29th day of January, 2015

ORDER

Petitioners are accused in Crime No.86 of 2012 of the Thadiyittaparambu Police Station, registered for the offence punishable under Section 498A 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 Final Report in Crime No.86 of 2012 of the Thadiyittaparambu Police Station, and all further proceedings based on it, in C.C.No.1167 of 2012 pending before the Judicial First Class Magistrate's Court-I, Perumbavoor, 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. Through a settlement, the 1st petitioner and the 2nd respondent are living together as husband and wife and are leading a peaceful married life. 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 Final Report in Crime No.86 of 2012 of the Thadiyittaparambu Police Station and all further proceedings based on it, in C.C.No.1167 of 2012 pending before the Judicial First Class Magistrate's Court-I, Perumbavoor, are hereby quashed.

Sd/-
B. KEMAL PASHA
JUDGE

DSV/29/1/15

// True Copy //

P.A. To Judge

CRL.M.C.No.353 of 2015

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