

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. 365 of 2015

**CC 1462/2011 OF JUDICIAL FIRST CLASS MAGISTRATE COURT -I, TIRUR.
CRIME NO. 455/2011 OF TIRUR POLICE STATION, MALAPPURAM DISTRICT.**
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PETITIONER(S)/ACCUSED:

- 1. MOHAMMED SAMEEL, AGED 26 YEARS,
S/O.MUHAMMED MUSTHAFI,
CHERACHAMPUTHEN VEETIL HOUSE,
P.O.MUTTANNOOR, TIRUR TALUK,
MALAPPURAM DISTRICT.**
- 2. MUHAMMED MUSTHAFI, AGED 49 YEARS,
S/O.KUNHI MOHAMMED,
CHERACHAMPUTHEN VEETIL HOUSE,
P.O.MUTTANNOOR, TIRUR TALUK,
MALAPPURAM DISTRICT.**
- 3. SABIRA, AGED 39 YEARS, W/O.MUSTHAFI,
CHERACHAMPUTHEN VEETIL HOUSE,
P.O.MUTTANNOOR, TIRUR TALUK,
MALAPPURAM DISTRICT.**

BY ADV. SRI.K.K.MOHAMED RAVUF

RESPONDENT(S)/STATE AND DEFACTO COMPLAINANT:

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. SHAIGA M.P., AGED 23 YEARS, D/O.BAVA HAJI,
MULAKKAPARAMBIL HOUSE, P.O.PURATHOOR,
TIRUR TALUK, MALAPPURAM DISTRICT.**

**R1 BY PUBLIC PROSECUTOR SRI.P.P.JIBU P THOMAS
R2 BY ADV. SRI.ANEESH K.A.**

**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)' ANNEXURE:

ANNEXURE A1 : TRUE COPY OF THE FIR IN CRIME NO.455/2011 OF TIRUR
POLICE STATION, MALAPPURAM.

ANNEXURE A2 : TRUE COPY OF THE FINAL REPORT IN CRIME NO.455/2011 OF
TIRUR POLICE STATION, MALAPPURAM.

ANNEXURE A3 : AFFIDAVIT SWORN BY THE 2ND RESPONDENT
DATED 17-01-2015.

RESPONDENT(S)' ANNEXURE: - NIL

/TRUE COPY/

P.S. TO JUDGE

mbr/

B.KEMAL PASHA, J.

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CRL.M.C. No.365 of 2015

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Dated this the 29th day of January, 2015

ORDER

Petitioners are accused in Crime No.455 of 2011 of the Tirur Police Station, Malappuram District, registered for the offences punishable under Section 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-A2 Final Report in Crime No.455 of 2011 of the Tirur Police Station, Malappuram District and all further proceedings based on it, in C.C.No.1462 of 2011 pending before the Judicial First Class Magistrate's Court-I, Tirur, 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.455 of 2011 of the Tirur Police Station, Malappuram District and all further proceedings based on it, in C.C.No.1462 of 2011 pending before the Judicial First Class Magistrate's Court-I, Tirur, are hereby quashed.

Sd/-
B. KEMAL PASHA
JUDGE

DSV/29/1/15

// True Copy //

P.A. To Judge

CRL.M.C.No.365 of 2015

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