

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 10TH DAY OF FEBRUARY 2015/21ST MAGHA, 1936

Crl.MC.No. 403 of 2015

C.C.NO.645/2013 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-II,HOSDRUG

PETITIONER(S)/ACCUSED NOS.1 TO 3 :

1. SAJEER.A, AGED 23 YEARS,
S/O.ABDUL MUTHALIB, RESIDING AT SAINABA MANZIL,
THRIKKARIPUR P.O., VADAKKE KOVVAL, NORTH THRIKKARIPUR,
KASARAGOD DISTRICT.
2. KULSU, AGED 47 YEARS,
W/O.ABDUL MUTHALIB, RESIDING AT SAINABA MANZIL,
THRIKKARIPUR P.O, VADAKKE KOVVAL, NORTH THRIKKARIPUR,
KASARAGOD DISTRICT.
3. HARIS, AGED 37 YEARS,
S/O.ABOOBACKER, RESIDING AT SAINABA MANZIL,
THRIKKARIPUR P.O., VADAKKE KOVVAL, NORTH THRIKKARIPUR,
KASARAGOD DISTRICT.

**BY ADVS.SRI.K.R.AVINASH (KUNNATH)
SRI.ABDUL RAOOF PALLIPATH**

RESPONDENT(S)/DEFACTO COMPLAINANT & STATE :

1. MUBEENA.K, AGED 21 YEARS,
S/O.ABDUL RAHMAN, KALLINGAL HOUSE, PALLIKKERE P.O,
PALLIKERE VILLAGE, HOSDURG, KASARAGOD-671 316.
2. THE STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.

**R1 BY ADV. SRI.C.H.ABDUL RASAC
R2 BY PUBLIC PROSECUTOR SRI.JIBU.P.THOMAS**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 10-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

APPENDIX

PETITIONER(S)' ANNEXURES :

ANNEXURE-A1: TRUE COPY OF THE FINAL REPORT IN CRIME NO.582/2012.

**ANNEXURE-A2: TRUE COPY OF THE AFFIDAVIT SWORN IN BY
1ST RESPONDENT.**

RESPONDENT(S)' ANNEXURES :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

B. KEMAL PASHA, J.

.....
Crl.M.C. No.403 2015
.....

Dated this the 10th 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 accused Nos.1 to 3 in Crime No.582/2012 of Bekal Police Station registered for the offence punishable under Section 498A of the Indian Penal Code.

3. Petitioners have come up with this petition for getting Annexure-A1 final report in Crime No.582/2012 of Bekal Police Station as against the petitioners and all further proceedings based on it in C.C.645/2013 pending before

the Judicial First Class Magistrate's Court-II, Hosdurg, quashed.

4. The allegation against the petitioners is that they have tortured and harassed the de facto 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.

5. Heard learned counsel for the petitioners, the learned counsel for the defacto complainant, who is the 1st 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 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, 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. Through a settlement, the 1st petitioner and the 1st 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 CrI.M.C. is allowed and Annexure-A1

final report in Crime No.582/2012 of Bekal Police Station as against the petitioners and all further proceedings based on it in C.C.645/2013 pending before the Judicial First Class Magistrate's Court-II, Hosdurg are hereby quashed.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/10/02

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PA to Judge