

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE B.KEMAL PASHA**

**WEDNESDAY, THE 4TH DAY OF MARCH 2015/13TH PHALGUNA, 1936**

**CrI.MC.No. 433 of 2015 ()**

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**CC. NO. 854/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, NILAMBUR.**  
**CRIME NO. 156/2014 OF VAZHICKADAVU POLICE STATION, MALAPPURAM DIST.**  
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**PETITIONERS/ACCUSED:**

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- 1. ANEES, AGED 29 YEARS,  
S/O.KUNJALI HAJI, THADIYAN HOUSE, KODALIPOYIL,  
BHoothANAM, POTHUKALLU, NILAMBUR TALUK,  
MALAPPURAM DISTRICT.**
  - 2. JAMEELA, AGED 55 YEARS,  
W/O.KUNJALI HAJI, THADIYAN HOUSE, KODALIPOYIL,  
BHoothANAM, POTHUKALLU, NILAMBUR TALUK,  
MALAPPURAM DISTRICT.**

**BY ADV. SRI.P.SAMSUDIN.**

**RESPONDENTS/STATE AND DE-FACTO COMPLAINANT:**

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- 1. STATE OF KERALA,  
REPRESENTED BY THE PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, ERNAKULAM-682 031.  
(CRIME NO.156/2014 OF VAZHICKADAVU POLICE STATION).**
  - 2. UMU RUBAYA, AGED 18 YEARS,  
D/O.HAMZA MOULAVI, ADICHIKKOTTL HOUSE,  
MARUTHA P.O., 679 329, VAZHICKADAVU,  
MALAPPURAM DISTRICT.**

**R1 BY PUBLIC PROSECUTOR SRI.JIBU P.THOMAS.**  
**R2 BY ADV. SRI.JITHIN LUKOSE.**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION  
ON 04-03-2015, THE COURT ON THE SAME DAY PASSED THE  
FOLLOWING:**

**rs.**

**APPENDIX**

**PETITIONER'S ANNEXURES:-**

**ANNEXURE-A1: CERTIFIED COPY OF FINAL REPORT IN CRIME NO.156/2014  
VAZHIKKADAVU POLICE STATION.**

**ANNEXURE-A2: TRUE COPY OF THE AGREEMENT EXECUTED BETWEEN  
THE PARTIES DATED 21.11.2014.**

**ANNEXURE-A3: THE AFFIDAVIT SWORN IN BY 2ND RESPONDENT  
DATED 14.01.2015.**

**RESPONDENT'S ANNEXURES:- NIL.**

**//TRUE COPY//**

**P.S. TO JUDGE**

**rs.**

**B.KEMAL PASHA, J.**

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Crl.M.C. No. 433 of 2015

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Dated this the 4<sup>th</sup> day of March, 2015

**ORDER**

Petitioners are accused in Crime No.156 of 2014 of the Vazikkadavu Police Station registered for the offences punishable under Sections 498A, 323 and 506(i) 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-A1 Final Report in Crime No.156 of 2014 of the Vazikkadavu Police Station and all further proceedings based on it in C.C.No.854 of 2014 pending before the Judicial First Class Magistrate's Court, Nilambur, quashed.

3. The allegation against the petitioners is that they have tortured and harassed the defacto complainant, who is the wife of the 1<sup>st</sup> 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 2<sup>nd</sup> 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 2<sup>nd</sup> 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-A1 Final Report in Crime No.156 of 2014 of the Vazikkadavu Police Station and all further proceedings based on it in C.C.No.854 of 2014 pending before the Judicial First Class Magistrate's Court, Nilambur, are hereby quashed.

Sd/  
**B.KEMAL PASHA, JUDGE**

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