

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 1ST DAY OF APRIL 2015/11TH CHAITHRA, 1937

Crl.MC.No.473 of 2015

**CC NO.1054/2012 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT-II,
HOSDRUG.
CRIME NO.375/2010 OF CHITTARIKAL POLICE STATION,KASARGOD.**

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PETITIONER/ACCUSED NO.1:

**ABDUL LATHEEF M.T.PS/O.M.T.P.SADHULI,
AGED 32 YEARS,PAINTER,MANAKKATTU THEKKEPEEDIKAYIL,
M.T.P.HOUSE,KADUMENI,CHERUPUZHA,
HOSDURG TALUK,KASARAGOD DISTRICT.**

**BY ADVS.SRI.C.K.SREEJITH
SRI.MURUGAN P.V.
SRI.P.J.SONY
SRI.K.V.RADHAKRISHNAN (MADURAI)
BOBBY MATHEW KOOTHATTUKULAM**

RESPONDENTS/COMPLAINANTS & STATE:

- 1. RASIYA T.K,AGED 28 YEARS,D/O.AYSHA,
RESIDING AT NEAR NEELIRINGA JAMA ATH MOSQUE,
NEELIRINGA,P.O.PERINGOME,TALIPARAMBA TALUK,
KANNUR DISTRICT,PIN - 670 307.**
- 2. THE STATION HOUSE OFFICER,
CHITTARIKKAL POLICE STATION,
KASARAGOD DISTRICT,REPRESENTED BY
PUBLIC PROSECUTOR,HIGH COURT OF KERALA,
ERNAKULAM - 682 031.**
- 3. STATE OF KERALA,REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,ERNAKULAM - 682 031.**

**R1 BY ADV.SMT.MARY RANZOM LOUIZ
R2 & R3 BY PUBLIC PROSECUTOR SRI.JIBU P.THOMAS.**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 01-04-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

APPENDIX

PETITIONER'S ANNEXURES:

**ANNEXURE A1:THE TRUE COPY OF THE COMPLAINT FILED BEFORE THE
HON'BLE JUDICIAL II CLASS MAGISTRATE HOSDURG.**

**ANNEXURE A2:THE CERTIFIED COPY OF THE FIR NO.375/2010 ON THE FILE OF
CHITTARIKKAL POLICE STATION.**

**ANNEXURE A3:THE CERTIFIED COPY OF THE FINAL REPORT IN CRIME
NO.375/2010 ON THE FILE OF CHITTARIKKAL POLICE STATION.**

**ANNEXURE A4:THE CERTIFIED COPY OF THE JUDGMENT IN CC NO.1152/2010
ON THE FILE OF HON'BLE JUDICIAL FIRST CLASS MAGISTRATE
NO.II,HOSDURG.**

**ANNEXURE A5:THE TRUE COPY OF THE AGREEMENT BETWEEN THE
PETITIONER AND 1ST RESPONDENT.**

RESPONDENT'S ANNEXURES: **NIL**

//TRUE COPY//

P.S. TO JUDGE

pk

B. KEMAL PASHA, J.

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Crl.M.C. No.473 of 2015
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Dated this the 1st day of April, 2015

ORDER

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This is a petition filed under Section 482 of the Code of Criminal Procedure.

2. Petitioner is the accused in Crime No.375/2010 of Chittarikkal Police Station registered for the offence punishable under Section 498A of the Indian Penal Code.

3. Petitioner has come up with this petition under Section 482 Cr.P.C. for getting Annexure-A2 FIR and Annexure-A3 Final Report in Crime No.375/2010 of Chittarikkal Police Station as against the petitioner and all further proceedings based on it in C.C.1054/2012 pending before the Judicial First Class Magistrate's Court-II, Hosdurg, quashed.

4. The allegation against the petitioner is that he has tortured and harassed the de facto complainant, who is

his wife, and treated her with cruelty within the meaning of Section 498A IPC, by demanding more dowry, after misappropriating her entire gold ornaments and money.

5. Heard learned counsel for the petitioner, the learned counsel for the defacto complainant, who is the 1st respondent herein, and learned Public Prosecutor.

6. According to the petitioner, all the matters in dispute between the petitioner and the defacto complainant have been amicably settled and presently the defacto complainant has no complaints against the petitioner and, therefore, the proceedings against the petitioner 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 petitioner have been amicably settled and, therefore, she has no complaints against the petitioner 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. When all the matrimonial disputes have been settled between the parties and as the defacto complainant has no complaints against the petitioner, 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 FIR and Annexure-A3 Final Report in Crime No.375/2010 of Chittarikkal Police Station as against the petitioner and all further proceedings based on it in C.C.1054/2012 pending before the Judicial First Class Magistrate's Court-II, Hosdurg are hereby quashed.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/01/04

//True copy//

PA to Judge.