

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 2ND DAY OF FEBRUARY 2015/13TH MAGHA, 1936

Crl.MC.No. 481 of 2015

CRIME NO. 1545/2013 OF VADAKKARA POLICE STATION , KOZHIKODE

PETITIONER(S)/ACCUSED:

1. SAMEER, AGED 28 YEARS,
S/O.LATE K.P.MOOSA, KALARIKETTIAPARAMBATH HOUSE,
PONMARY PARAMBIL P.O., VILLIAPPILLY, VADAKKARA TALUK,
KOZHIKODE DISTRICT.
2. ZAINABHA, AGED 56 YEARS,
W/O.LATE K.P.MOOSA, KALARIKETTIAPARAMBATH HOUSE,
PONMARY PARAMBIL P.O., VILLIAPPILLY, VADAKKARA TALUK,
KOZHIKODE DISTRICT.

BY ADV. SMT.P.KPRIYA

RESPONDENT(S)/COMPLAINANT:

1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA REPRESENTING S.I. OF POLICE,
VADAKKARA POLICE STATION, PIN - 673 101.
2. MUNNA, AGED 19 YEARS,
D/O.K.C.MOIDU, PATHAYAKUNNINMEL HOUSE,
KEEZHALMUKKU P.O.,
NEAR SEEN PUBLIC SCHOOL, VADAKKARA TALUK,
KOZHIKODE DISTRICT, PIN - 673 101.

R1 BY PUBLIC PROSECUTOR SRI.JIBU.P.THOMAS
R2 BY ADV. SMT.T.M.BINITHA

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

Msd.

APPENDIX

PETITIONER(S)' ANNEXURES :

**ANNEXURE A1: TRUE COPY OF THE FIR IN CRIME NO. 1545/2013 OF
VADAKKARA POLICE STATION.**

**ANNEXURE A2: TRUE COPY OF THE AGREEMENT EXECUTED BY
THE 2ND RESPONDENT AND THE 1ST PETITIONER
DATED 22/03/2014.**

**ANNEXURE A3: TRUE COPY OF THE ORIGINAL AFFIDAVIT SWORN BY
THE DEFACTO COMPLAINANT DATED 10/01/2015.**

RESPONDENT(S)' ANNEXURES :

NIL

//TRUE COPY//

P.S.TO JUDGE.

Msd.

B.KEMAL PASHA, J.

.....
CRL. M.C. No.481 of 2015

.....
Dated this the 2nd day of February, 2015

ORDER

Petitioners are A1 to A7 in Crime No.1545/13 of the Vadakara Police Station, registered for the offences punishable under Sections 406 and 498A of the Indian Penal Code.

2. Petitioners have come up with this Crl.M.C. under Section 482 Cr.P.C. for getting all further proceedings in Crime No.1545/13 of the Vadakara Police Station, 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, after misappropriating her entire gold

ornaments and money.

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. 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 all further proceedings in Crime No.1545/13 of the Vadakara Police Station, are hereby quashed.

Sd/- B.KEMAL PASHA, JUDGE

ul/-

[True copy]

P.S. to Judge