

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 4TH DAY OF FEBRUARY 2015/15TH MAGHA, 1936

Crl.MC.No. 531 of 2015

**CC 611/2013 of JUDICIAL FIRST CLASS MAGISTRATE COURT, PAYYANNUR
CRIME NO. 119/2013 OF PAZHAYANGADI POLICE STATION , KANNUR**

PETITIONER(S)/ACCUSED NO.1 TO 5 AND DE FACTO COMPLAINANT:

1. IMTHIYAS, AGED 36 YEARS
S/O.IBRAHIM, EZHOME AMSOM, MOOLA
KANNUR DISTRICT.
2. SHUKKOOR, AGED 42 YEARS,
S/O.IBRAHIM, EZHOME AMSOM, MOOLA, KANNUR DISTRICT.
3. AYISHA C.P., AGED 39 YEARS
D/O.IBRAHIM, EZHOME AMSOM, MOOLA,
KANNUR DISTRICT.
4. NAFESA, AGED 52 YEARS
D/O.IBRAHIM, EZHOME AMSOM, MOOLA, KANNUR DISTRICT.
5. RAZIYA, AGED 33 YEARS
D/O.IBRAHIM, EZHOME AMSOM, MOOLA
KANNUR DISTRICT.
6. RAHMATH, AGED 26 YEARS,
D/O.ABDUL RAHMAN, MADAYI, VADIKKAL, KANNUR DISTRICT.

BY ADV. SRI.T.V.JAYAKUMAR NAMBOODIRI

RESPONDENT(S):

**STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SRI.JIBU P.THOMAS

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 04-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Crl.MC.No. 531 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES

**ANNEXURE I: TRUE COPY OF THE FINAL REPORT IN C.C 611/2013 OF JFCM,
PAYYANNUR.**

ANNEXURE II: TRUE COPY OF THE AFFIDAVIT BY 6TH PETITIONER

ANNEXURE III: TRUE COPY OF THE AGREEMENT

RESPONDENT(S)' ANNEXURES

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

B.KEMAL PASHA, J.

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CRL.M.C. No.531 of 2015

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Dated this the 4th day of February, 2015

ORDER

Petitioners 1 to 5 are A1 to A5 in Crime No.119 of 2013 of the Pazhayangadi Police Station registered for the offences punishable under Section 498A read with Section 34 of the Indian Penal Code. 6th petitioner is the defacto complainant.

2. Petitioners have come up with this Crl.M.C. under Section 482 Cr.P.C. for getting Annexure-I Final Report in Crime No.119 of 2013 of the Pazhayangadi Police Station as against petitioners 1 to 5 and all further proceedings based on it, in C.C.No.611 of 2013 pending before the Judicial First Class Magistrate's Court, Payyanur, quashed.

3. The allegation against petitioners 1 to 5 is that

they have tortured and harassed the defacto complainant, who is the 6th petitioner herein, 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 and the learned Public Prosecutor.

5. According to petitioners 1 to 5, all the matters in dispute between petitioners 1 to 5 and the defacto complainant have been amicably settled and presently the defacto complainant has no complaints against petitioners 1 to 5 and, therefore, the proceedings against petitioners 1 to 5 may be quashed.

6. The defacto complainant, who is the 6th petitioner herein, has filed an affidavit affirming that all the matters in dispute between her and petitioners 1 to 5 have been amicably settled and, therefore, she has no complaints against petitioners 1 to 5, and, hence, all further proceedings in the matter referred to above can be

quashed. The learned counsel 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 petitioners 1 to 5, 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-I Final Report in Crime No.119 of 2013 of the Pazhayangadi Police Station as against petitioners 1 to 5 and all further proceedings based on it, in C.C.No.611 of 2013 pending before the Judicial First Class Magistrate's Court, Payyanur, are hereby quashed.

Sd/-
B. KEMAL PASHA
JUDGE

DSV/4/2/15

// True Copy //

P.A. To Judge

CRL.M.C.No.531 of 2015

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