

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 5TH DAY OF FEBRUARY 2015/16TH MAGHA, 1936

Crl.MC.No. 560 of 2015

**AGAINST THE ORDER/JUDGMENT IN CC 340/2014 of J.M.F.C.,VADAKARA
CRIME NO. 1630/2013 OF VATAGARA POLICE STATION , KOZHIKODE**

PETITIONER(S)/ACCUSED:

1. **ABDUL SALAM,
S/O.BAVA, T.T.HOUSE, SAIDQUE MANSIL
POST KOTTAKKAL, IRINGAL, VATAKARA
KOZHIKODE DISTRICT.**
2. **BAVA, T.T.HOUSE, SADIQUE MANSIL, POST KOTTAKKAL
IRINGAL, VATAKARA, KOZHIKODE DISTRICT.**
3. **SAITHA, D/O.BAVA, T.T.HOUSE, SADIQUE MANIL
POST KOTTAKKAL, IRINGAL, VATAKARA
KOZHIKODE DISTRICT.**
4. **KHADEEJA
W/O.BAVA, T.T.HOUSE, SADIQUE MANSIL
POST KOTTAKKAL, IRINGAL, VATAKARA
KOZHIKODE DISTRICT.**

BY ADV. SRI.K.RAKESH ROSHAN

RESPONDENT(S)/COMPLAINANT & DEFACTO COMPLAINANT:

1. **STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM - 31.**
2. **ASIDA
D/O.MUHAMMED, KANNATTUNGAL, POST PUTHUPPANAM
VATAKARA, KOZHIKODE DISTRICT - 673 105.**

R2 BY ADV. SRI.MANSOOR.B.H.

R1 BY PUBLIC PROSECUTOR SRI.JIBU P.THOMAS

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 05-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

APPENDIX

PETITIONER(S)' ANNEXURES

**ANNEXURE 1: THE CERTIFIED COPY OF THE CHARGE FILED BY THE SUB
INSPECTOR OF POLICE VADAKARA IN CRIME NO. 1630/2013, NOW
PENDING AS C.C.NO. 340/2014 OF JFCM-I, VATAKARA.**

**ANNEXURE 2: THE ORIGINAL OF THE AFFIDAVIT SWORN BY THE RESPONDENT
NO. 2.**

**ANNEXURE 3: THE TRUE COPY OF THE COMMON JUDGMENT DATED 30/10/2014 IN
(1) OP.NO. 98/2014, (2) OP.NO. 65/2014 AND MC.NO. 25/2014 OF FAMILY
COURT, VATAKARA.**

RESPONDENT(S)' ANNEXURES

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

B. KEMAL PASHA, J.

.....
Crl.M.C. No.560 of 2015
.....

Dated this the 5th 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 the accused in Crime No.1630/2013 of Vatakara Police Station registered for the offences punishable under Sections 498A and 406 IPC.

3. Petitioners have come up with this petition for getting Annexure-1 final report in Crime No.1630/2013 of Vatakara Police Station as against the petitioners and all further proceedings based on it in C.C.340/2014 pending

before the Judicial First Class Magistrate's Court, Vatakara, 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, after misappropriating her entire gold ornaments and money.

5. Heard learned counsel for the petitioners, the learned counsel for the defacto complainant, who is the 2nd 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 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, 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 2nd 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 Crl.M.C. is allowed and Annexure-1 final report in Crime No.1630/2013 of Vatakara Police

Station as against the petitioners and all further proceedings based on it in C.C.340/2014 pending before the Judicial First Class Magistrate's Court, Vatakara are hereby quashed.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/05/02

// True Copy //

PA to Judge