

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. 561 of 2015 ()

CRIME NO. 226/2014 OF ATHOLI POLICE STATION, KOZHIKODE DISTRICT

PETITIONERS/ACCUSED :

- 1. BINEESH KUMAR, AGED 34 YEARS
S/O. SIVARAMAN, THIRUTHONATHAZHATH HOUSE
THALAKULATHOOR, PAAVAYIL CHEERPU, KOZHIKODE.**
- 2. BABEESH, AGED 32 YEARS
S/O. SIVARAMAN, THIRUTHONATHAZHATH HOUSE
THALAKULATHOOR, PAAVAYIL CHEERPU, KOZHIKODE**

**BY ADVS.SRI.A.RANJITH NARAYANAN
SMT.A.SIMI
SRI.S.K.SAJU**

RESPONDENTS/RESPONDENT AND DE - FACTO COMPLAINANT :

- 1. STATE OF KERALA
REP. BY THE LEARNED PUBLIC PROSECUTOR
HIGH COURT OF KERALA AT ERNAKULAM
ERNAKULAM
REPRESENTING THE SI OF POLICE
ATHOLI POLICE STATION, KOZHIKODE.**
- 2. RUBISHA, AGED 24 YEARS
D/O. KUBHIKANAARAN, NJAREKOTH THAZHEKUNI HOUSE, ATHOLI
KOYILANDY, KOZHIKODE-673317.**

**R1 BY PUBLIC PROSECUTOR SRI. JIBU P. THOMAS
R2 BY ADV. SMT.M.LISHA**

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

Mn

Crl.MC.No. 561 of 2015 ()

APPENDIX

PETITIONERS' ANNEXURES :

**ANNEXURE A1: FINAL REPORT DATED 18.9.2014 IN CRIME NO. 226/2014 OF
 ATHOLI POLICE STATION.**

**ANNEXURE A2: THE AFFIDAVIT DATED 23.12.2014 SWORN BY THE 2ND
 RESPONDENT /DE FACTO COMPLAINANT.**

**ANNEXURE A3: COPY OF THE AGREEMENT DATED 4.11.2014 ENTERED INTO
 BETWEEN THE 1ST PETITIONER AND THE 2ND RESPONDENT.**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

B. KEMAL PASHA, J.

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Crl.M.C. No.561 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.226/2014 of Atholi Police Station registered for the offences punishable under Sections 498A and 406 IPC.

3. Petitioners have come up with this petition for getting Annexure-A1 final report in Crime No.226/2014 of Atholi Police Station as against the petitioners and all further proceedings based on it in C.C.1182/2014 pending before the Judicial First Class Magistrate's Court-II, Perambra, quashed.

4. The allegation against the petitioners is that they have tortured and harassed the de facto 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, 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 2<sup>nd</sup> 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 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, 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 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.226/2014 of Vatakara Police Station as against the petitioners and all further proceedings based on it in C.C.1182/2014 pending before the Judicial First Class Magistrate's Court-II, Perambra are hereby quashed.

Sd/-  
**(B.KEMAL PASHA, JUDGE)**

aks/05/02

*// True Copy //*

*PA to Judge*