

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 6TH DAY OF FEBRUARY 2015/17TH MAGHA, 1936

Crl.MC.No. 594 of 2015

CRIME NO. 117/2014 OF KUTHUPARAMBA POLICE STATION, KANNUR
.....

PETITIONER(S)/ACCUSED:

**S.A.SHAMSUDHEEN KHADIRI, AGED 42,
S/O. ABDUL KHADER, R/O NO.4/5 VTH CROSS,
LAKSHMI ROAD, SHANTHI NAGAR, BANGALORE.**

BY ADV. SRI.C.P.UDAYABHANU

RESPONDENT(S)/COMPLAINANT:

- 1. FATHIMA, AGED 32,
D/O. MUHAMMADALI, SEENATH MAHAL, PADUVILAI AMSOM,
KALLAI, THALASSERY.**
- 2. STATE OF KERALA ,
REPRESENTED BY THE S.I. OF POLICE, KUTHUPARAMBA,
(CRIME NO.117/14), KUTHUPARAMBA POLICE STATION,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**

R1 BY ADV. SRI.G.SIJI

R2 BY PUBLIC PROSECUTOR SRI.JIBU P.THOMAS

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
06-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEXURE I : A CERTIFIED COPY OF THE FIR IN CRIME NO.117/14 OF
KUTHUPARMBA POLICE STATION FILED BEFORE THE JFCM COURT,
KUTHUPARAMBA.**

ANNEXURE II: PHOTOCOPY OF FIRST INFORMATION STATEMENT GIVEN BY R1.

**ANNEXURE III: AFFIDAVIT SWORN BY R1 THE DE FACTI COMPLAINANT IN
ANNEXURE-I.**

**ANNEXRE III(a): ADDITIONAL AFFIDAVIT SWON BY R1 THE DE FACTO COMPLAINANT
IN ANNEXURE I.**

**ANNEXRE IV: AFFIDAVIT SWORN BY SUHARA THE MOTHER OF R1 THE DE FACTO
COMPLAINANT IN ANNEXURE I.**

RESPONDENT(S)' ANNEXURES:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

B. KEMAL PASHA, J.

.....
Crl.M.C. No.594 of 2015
.....

Dated this the 6th day of February, 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.117/2014 of Kuthuparamba Police Station registered for the offences punishable under Sections 498A, 448, 323, 294(b) and 506 (i) of the Indian Penal Code.

3. Petitioner has come up with this petition under Section 482 Cr.P.C. for getting Annexure-I FIR in Crime No.117/2014 of Kuthuparamba Police Station as against the petitioner and all further proceedings based on it pending before the Judicial First Class Magistrate's Court, Kuthuparamab, 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.

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 and her mother have filed affidavits affirming that all the matters in dispute between the *defacto complainant* 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 affidavits have been sworn in by the defacto complainant and her mother on their 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 CrI.M.C. is allowed and Annexure-I FIR in Crime No.117/2014 of Kuthuparamba Police Station as against the petitioner and all further proceedings based on it pending before the Judicial First Class Magistrate's Court, Kuthuparamba are hereby quashed.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/06/02

// True Copy //

PA to Judge