

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. 606 of 2015 ()

CRIME NO. 1089/2012 OF ALUVA EAST POLICE STATION, ERNAKULAM DISTRICT

PETITIONERS :

- 1. SHIHAB, AGED 34 YEARS
S/O.MAKKARPILLA, MAROTTIKKAL HOUSE, AMBUNADU KARA
EDATHALA, ALUVA EAST VILLAGE, ALUVA TALUK.**
- 2. ALEEMA , AGED 53 YEARS
W/O.MAKKARPILLA, MAROTTIKKAL HOUSE, AMBUNADU KARA
EDATHALA, ALUVA EAST VILLAGE, ALUVA TALUK.**

**BY ADVS.SRI.V.K.SIDHIK
SMT.SAJITHA SIDHIK**

RESPONDENT(S) :

- 1. STATE OF KERALA
REP. BY THE PUBLIC PROSECUTOR
KERALA HIGH COURT.**
- 2. THE SUB INSPECTOR OF POLICE
ALUVA WEST POLICE STATION.**
- 3. SHAJEELA, AGED 31 YEARS
D/O.MUHAMMED, POOTHOLATHINKAL HOUSE, NEAR SEA LORD
CHERANALLOOR KARA, CHERANALLOOR VILLAGE
KANAYANNOOR TALUK, ERNAKULAM DISTRICT
PIN – 682 118.**

**R1 & R2 BY PUBLIC PROSECUTOR SRI. JIBU P. THOMAS
R3 BY ADV. SRI.CYRIL J. KATTAKAYAM**

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

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Crl.MC.No. 606 of 2015 ()

APPENDIX

PETITIONERS' ANNEXURES :

- ANNEXURE A1:** TRUE COPY OF THE FIR IN CRIME NO.1089/12 OF ALUVA EAST POLICE STATION.
- ANNEXURE A2:** TRUE COPY OF THE FIS IN CR.NO.1089/12 OF ALUVA EAST POLICE STATION.
- ANNEXURE A3:** TRUE COPY OF THE CHARGE SHEET IN CRIME NO. 1089/12 OF ALUVA EAST POLICE STATION.
- ANNEXURE A4:** PHOTOCOPY OF THE COMPROMISE PETITION DT.18-11-12 EXECUTED BETWEEN THE DEFACTO COMPLAINANT AND THE PETITIONERS.
- ANNEXURE A5:** PHOTOCOPY OF THE AGREEMENT DT.28-1-13 EXECUTED BETWEEN THE DEFACTO COMPLAINANT AND THE PETITIONERS.
- ANNEXURE A6:** THE AFFIDAVIT FILED BY THE 3RD RESPONDENT DT. 28-1-15.

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

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B.KEMAL PASHA, J.

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Crl.M.C. No. 606 of 2015

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Dated this the 6th day of February, 2015

ORDER

Petitioners are accused in Crime No.1089 of 2012 of the Aluva East Police Station registered for the offences punishable under Sections 498A and 323 read with Section 34 of the Indian Penal Code.

2. Petitioners have come up with this Crl.M.C. under Section 482 Cr.P.C. for getting Annexure-A1 FIR and Annexure A3 Final Report in Crime No.1089/2012 of Aluva East Police Station and all further proceedings based on it, in C.C.No.1021 of 2012 pending before the Judicial First Class Magistrate's Court-I, Aluva, 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.

4. Heard learned counsel for the petitioners, the learned counsel for the defacto complainant, who is the 3rd 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 3rd 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 Crl.M.C. is allowed and Annexure-A1 FIR and Annexure-A3 charge sheet in Crime No.1089/2012 of Aluva East Police Station and all further proceedings based on it, in C.C.No.1021 of 2012 pending before the Judicial First Class Magistrate's Court-I, Aluva, are hereby quashed.

Sd/-
B.KEMAL PASHA, JUDGE

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//True copy//

P.A to Judge