

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. 609 of 2015 ()

**CC.NO. 279/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, MALAPPURAM
CRIME NO.1420/2013 OF KONDOTTY POLICE STATION, MALAPPURAM DISTRICT**

PETITIONER(S)/ACCUSED:

- 1. C.P.YAKOOB, S/O.ABDU,
CHEDAKKUNNAN HOUSE, PUTHENPEEDIKA,
MAYAKKARA, OLAVATTOOR P.O., MALAPPURAM DISTRICT.**
- 2. C.P.FATHIMA, W/O.ABDU,
CHEDAKKUNNAN HOUSE, PUTHENPEEDIKA,
MAYAKKARA, OLAVATTOOR P.O., MALAPPURAM DISTRICT.**
- 3. C.P.BUSHRA, D/O.ABDU,
CHEDAKKUNNAN HOUSE, PUTHENPEEDIKA,
MAYAKKARA, OLAVATTOOR P.O., MALAPPURAM DISTRICT.**

BY ADV. SRI.P.M.RAFIQ

RESPONDENT(S)/DEFACTO COMPLAINANT AND STATE:

- 1. ARIFA C.V., D/O.MOHAMMED,
CHERIYA VATTAPPARA HOUSE,
CHERUVAYUR P.O., VAZHAKKAD,
MALAPPURAM DISTRICT-673 645.**
- 2. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.**

**R1 BY ADV. SRI.V.A.JOHNSON (VARIKKAPPALLIL)
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:**

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CRL.M.C.NO.609/2015

APPENDIX

PETITIONER'S ANNEXURES:

- ANNEX A** **COPY OF THE CHARGE SHEET IN C.C.NO.279/2014 OF THE COURT OF JUDICIAL MAGISTRATE OF FIRST CLASS, MALAPPURAM**
- ANNEX B** **COPY OF THE AGREEMENT ENTERED INTO BETWEEN 1ST PETITIONER AND 1ST RESPONDENT DATED 18/06/2014**
- ANNEX C** **COPY OF THE AFFIDAVIT SWORN BY THE DEFACTO COMPLAINANT/1ST RESPONDENT BEFORE THIS HONOURABLE COURT INFORMING THE FACTUM OF SETTLEMENT.**

RESPONDENT'S ANNEXURES: **NIL**

/TRUE COPY/

P.A.TO.JUDGE

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B.KEMAL PASHA, J.

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Crl.M.C. No. 609 of 2015

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Dated this the 6th day of February, 2015

ORDER

Petitioners are A1 to A3 in Crime No.1420/13 of the Kondotty Police Station, registered for the offences punishable under Sections 406 and 498A 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-A Final Report in Crime No No.1420/13 of the Kondotty Police Station, and all proceedings based on it in C.C.No.279/14 pending before the Judicial First Class Magistrate's Court, Malappuram, quashed.

3. The allegation against the petitioners is that they have tortured and harassed the defacto complainant, who is the wife of the 1st accused, and treated her with cruelty within the meaning of Section 498A IPC, by demanding more dowry, after misappropriating her entire gold ornaments and money.

4. Heard learned counsel for the petitioners, the learned

counsel for the defacto complainant, who is the 1st 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 1st 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. Through a settlement, the 1st petitioner and the 1st 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-A Final Report in Crime No No.1420/13 of the Kondotty Police Station, and all proceedings based on it in C.C.No.279/14 pending before the Judicial First Class Magistrate's Court, Malappuram, are hereby quashed.

Sd/-
B.KEMAL PASHA, JUDGE

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