

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. 615 of 2015 ()

**CC.NO. 1195/2013 OF JUDICIAL FIRST CLASS MAGISTRATE COURT,
WADAKKANCHERRY**

CRIME NO. 81/2013 OF ERUMAPETTY POLICE STATION ,THRISSUR DISTRICT

PETITIONER(S)/ACCUSED 1 TO 3:

- 1. SAHEER ALI, S/O.LATE AHAMMED, AGED 31 YEARS,
KAZHUNGIL HOUSE, THALI DESOM,THICHUR VILLAGE,
THALAPPILLY TALUK, THRISSUR-680 585.**
- 2. NABEESA, W/O.LATE AHAMMED,AGED 66 YEARS,
KAZHUNGIL HOUSE, THALI DESOM,THICHUR VILLAGE,
THALAPPILLY TALUK, THRISSUR-680 585.**
- 3. MOIDEEN, S/O.LATE AHAMMED,AGED 49 YEARS,
KAZHUNGIL HOUSE, THALI DESOM,THICHUR VILLAGE,
THALAPPILLY TALUK, THRISSUR-680 585.**

**BY ADVS.SRI.C.A.CHACKO
SMT.C.M.CHARISMA**

RESPONDENT(S)/COMPLAINANT AND DE FACTO COMPLAINANT:

- 1. STATE OF KERALA,
REPRESENTING SUB INSPECTOR OF POLICE,
WADAKKANCHERY POLICE STATION,
THRISSUR, REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. JASEENA K.H., D/O.HANEEFA,AGED 23 YEARS,
KODAKUZHI HOUSE, KARUMATHRA DESOM,
KARUMATHRA VILLAGE, THALAPPILLY TALUK,
THRISSUR DISTRICT-680 589.**

**R1 BY PUBLIC PROSECUTOR SRI.JIBU P. THOMAS
R2 BY ADV. SRI.BENNY VARGHESE (THETTAYIL)**

**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.615/2015

APPENDIX

PETITIONER'S ANNEXURES:

ANNEX A1 CERTIFIED COPY OF THE FIR IN CRIME NO.81/2013 OF ERUMAPETTY POLICE STATION ALONG WITH CMP FILED BY 2ND RESPONDENT.

ANNEX A2 COPY OF THE FINAL REPORT DATED 30/3/2013

ANNEX A3 COPY OF THE COMPROMISE PETITION DATED 6/12/14 FILED BEFORE THE FAMILY COURT, THRISSUR.

ANNEX A4 COPY OF THE AFFIDAVIT DATED 2/1/2015 OF 2ND RESPONDENT.

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. 615 of 2015

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Dated this the 6th day of February, 2015

ORDER

Petitioners are A1 to A3 in Crime No.81/13 of the Erumappetty Police Station, Thrissur registered for the offences punishable under Sections 406, 420, 354 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-AI FIR in Crime No.81/13 of the Erumappetty Police Station, Thrissur and all proceedings based on it in C.C.No.1195/13 pending before the Judicial First Class Magistrate's Court, Wadakkanchery, 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 2nd 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 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 complaint 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-I FIR in Crime No No.81/13 of the Erumappetty Police Station, Thrissur and all proceedings based on it in C.C.No.1195/13 pending before the Judicial First Class Magistrate's Court, Wadakkanchery, are hereby quashed.

Sd/-
B.KEMAL PASHA, JUDGE

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