

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 12TH DAY OF FEBRUARY 2015/23RD MAGHA, 1936

Crl.MC.No. 651 of 2015 ()

CC 1123/2013 of JUDICIAL FIRST CLASS MAGISTRATE COURT- V,KOZHIKODE

PETITIONERS/ACCUSED NOS.:

1. KHALID, AGED 38 YEARS,
S/O.MOIDHEENKUTTY HAJI, ONGATTU HOUSE,
MAVINCHUVADU, PALLIKKAL NAGAR.
2. MOIDHEENKUTTY HAJI, AGED 67 YEARS,
S/O.MOHAMMED HAJI, KANANCHERI HOUSE,
MAVINCHUVADU STOP.
3. UMMACHUTTY @ UMMU AYSHA, AGED 57 YEARS,
W/O.MOIDHEENKUTTY HAJI, KANANCHERI HOUSE,
MAVINCHUVADU STOP.
4. MARIYAKKUTTY, AGED 48 YEARS,
W/O.KAREEM, CHERANCHERRYTHANATH, PARAMBIL PEDIKA.
5. FATHIMA, AGED 48 YEARS,
D/O.MOIDHEENKUTTY HAJI, CHALIYAPADAM HOUSE, PERUMUTTA.
6. SOUDA, AGED 36 YEARS
W/O.AHAMMEDKUTTY, PULLISSERYKUNDIL HOUSE, PUTHOOR.
7. RUKIYA, AGED 32 YEARS,
D/O.MOIDHEENKUTTY HAJI, RESIDING AT PERUMUGHA
PALLITHADATH.
8. ABDUL GAFOOR, AGED 32 YEARS,
S/O.MOIDHEENKUTTY HAJI
RESIDING AT THAMARAKAVIL HOUSE, P.O.PALLIKKAL
MALAPPURAM DISTRICT.

BY ADV. SRI.SUNNY MATHEW

RESPONDENTS/COMPLAINANT AND STATE:

1. KHADEEJATHIL MALEEHA, AGED 25 YEARS
D/O.MOIDHEENKUTTY, ARAMKUNI HOUSE, NALLALAM.P.O.
KOZHIKODE DISTRICT.

Crl.MC.No. 651 of 2015 ()

**2. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM - 683001**

**R1 BY ADV. SRI.C.C.ANOOP
R2 BY PUBLIC PROSECUTOR SRI. JIBU P. THOMAS**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 12-02-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

Crl.MC.No. 651 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE A1- TRUE COPY OF THE FINAL REPORT IN C.C.1123/2013.

**ANNEXURE A2- TRUE COPY OF AFFIDAVIT SWORN TO BY THE 1ST
RESPONDENT.**

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

B.KEMAL PASHA, J.

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Crl.M.C. No. 651 of 2015

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Dated this the 12th day of February, 2015

ORDER

Petitioners are accused in Crime No.62 of 2013 of the Nallalam Police Station registered for the offences punishable under Sections 323, 325, 427, 498A and 506(ii) 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 Final Report in Crime No.62 of 2013 of the Nallalam Police Station and all further proceedings based on it in C.C.No.1123 of 2013 pending before the Judicial First Class Magistrate's Court-V, Kozhikode, 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 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. 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.62 of 2013 of the Nallalam Police Station and all further proceedings based on it in C.C.No.1123 of 2013 pending before the Judicial First Class Magistrate's Court-V, Kozhikode, are hereby quashed.

Sd/-
B.KEMAL PASHA, JUDGE

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