

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 3RD DAY OF MARCH 2015/12TH PHALGUNA, 1936

Crl.MC.No. 699 of 2015 ()

CRIME NO. 735/2014 OF THAMARASSERY POLICE STATION.

.....

PETITIONER/ACCUSED:

SHAIJAL, AGED 35 YEARS,
S/O.KOYAMOIDHI, MOLATHUMANNIL HOUSE,
PUTHUPPADI P.O., KAITHAPOYIL,
THAMARASSERY, KOZHIKODE DISTRICT.

BY ADV. SRI.LUIZ GODWIN D COUTH.

RESPONDENTS/DEFACTO COMPLAINANT:

1. STATE OF KERALA,
REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
REPRESENTING THE S.I. OF POLICE,
THAMARASSERY POLICE STATION, PIN-682 031.
2. AYISHA NUSRATH, W/O.SHAIJAL,
MOLATHUMANNIL HOUSE, PUTHUPPADI P.O.,
KAITHAPOYIL, THAMARASSERY,
KOZHIKODE DISTRICT-673 545.

R1 BY PUBLIC PROSECUTOR SRI.JIBU P.THOMAS.
R2 BY ADV. SRI.JOSE KURIAKOSE (VILANGATTIL).

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 03-03-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

rs.

APPENDIX

PETITIONER'S ANNEXURES:-

**ANNEXURE-A: TRUE COPY OF THE F.I.R. IN CRIME NO.735/2014 OF
THAMARASSERY POLICE STATION.**

**ANNEXURE-B: TRUE COPY OF THE AFFIDAVIT SWORN BY THE
2ND RESPONDENT.**

RESPONDENT'S ANNEXURES:- NIL.

//TRUE COPY//

P.A TO JUDGE

rs.

B.KEMAL PASHA, J.

=====

Crl.M.C. No. 699 of 2015

=====

Dated this the 3rd day of March, 2015

ORDER

Petitioner is accused in Crime No.735 of 2014 of the Thamarassery Police Station registered for the offence punishable under Section 498A of the Indian Penal Code.

2. Petitioner has come up with this Crl.M.C. under Section 482 Cr.P.C. for getting Annexure-A FIR in Crime No.735 of 2014 of the Thamarassery Police Station and all proceedings against the petitioner in the said crime, pending before the Judicial First Class Magistrate's Court-1, Thamarassery, quashed.

3. The allegation against the petitioner is that he has tortured and harassed the defacto complainant, who is the wife of the petitioner, and treated her with cruelty within the meaning of Section 498A IPC, by demanding more dowry.

4. Heard learned counsel for the petitioner, the learned counsel for the defacto complainant, who is the 2nd respondent herein, and the learned Public Prosecutor.

5. 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.

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 petitioner have been amicably settled and, therefore, she has no complaints against the petitioner, 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 2nd 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 petitioner, 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 FIR in Crime No.735 of 2014 of the Thamarassery Police Station and all proceedings against the petitioner in the said crime, pending before the Judicial First Class Magistrate's Court-1, Thamarassery , are hereby quashed.

Sd/-
B.KEMAL PASHA, JUDGE

stu