

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 19TH DAY OF MARCH 2015/28TH PHALGUNA, 1936

Crl.MC.No. 786 of 2015

**CC 742/2013 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, CHAVAKKAD
CRIME NO. 428/2013 OF CHAVAKKAD POLICE STATION, THRISSUR**
.....

PETITIONER(S)/ACCUSED 1 TO 4:

1. LATHEEF, AGED 37 YEARS,
S/O.MOIDUNNI, KUNNATH HOUSE, THIRUVATHRA P.O.,
KOTTAPPURAM, CHAVAKKAD, THRISSUR DISTRICT - 680 516.
2. SAFIYA, AGED 67 YEARS,
W/O.MOIDUNNI, KUNNATH HOUSE, THIRUVATHRA P.O.,
KOTTAPPURAM, CHAVAKKAD, THRISSUR DISTRICT - 680 516.
3. HASEENA, AGED 29 YEARS,
D/O.MOIDUNNI, KUNNATH HOUSE, THIRUVATHRA P.O.,
KOTTAPPURAM, CHAVAKKAD, THRISSUR DISTRICT - 680 516.
4. ASHARAF, AGED 30 YEARS,
S/O.MOIDUNNI, KUNNATH HOUSE, THIRUVATHRA P.O.,
KOTTAPPURAM, CHAVAKKAD, THRISSUR DISTRICT - 680 516.

BY ADV. SRI.A.HAROON RASHEED

RESPONDENT(S)/COMPLAINANT:

1. STATE OF KERALA,
REPRESENTED BY THE SUB INSPECTOR OF POLICE,
CHAVAKKAD POLICE STATION,
THRISSUR DISTRICT THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.
2. SMT.MUNEERA, AGED 30 YEARS,
D/O.MOIDHEEN, PAVVARAKAYIL HOUSE, AYIROOR AMSOM
PALAPPETTY P.O., PONNANI TALUK,
MALAPPURAM DISTRICT - 679 579.

R2 BY ADV. SRI.C.R.REKHESH SHARMA

R1 BY PUBLIC PROSECUTOR SRI.JIBU P. THOMAS

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
19-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

Crl.MC.No. 786 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEXURE A1- THE CERTIFIED COPY OF F.I.R AND F.I.S IN CRIME NO.428/2013 OF
CHAVAKKAD POLICE STATION, DATED 06.03.2013.**

**ANNEXURE A2- THE CERTIFIED COPY OF THE FINAL REPORT IN C.C.NO.742/2013 OF
JUDICIAL FIRST CLASS MAGISTRATE COURT, CHAVAKKAD.**

**ANNEXURE A3- THE ORIGINAL COPY OF THE AFFIDAVIT EXECUTED BY THE
2ND RESPONDENT DATED 14.1.2015.**

RESPONDENT(S)' ANNEXURES:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

B.KEMAL PASHA, J.

Crl.M.C. No.786 of 2015

Dated this the 19th day of March 2015

ORDER

Petitioners have come up with this Crl.M.C., under Section 482 Cr.P.C. for getting Annexure-A1 F.I.R. and Annexure-A2 final report in Crime No.428/2013 of Chavakkad Police Station and all further proceedings based on it in C.C.742/2013 pending before the Judicial First Class Magistrate's Court, Chavakkad, quashed.

2. The allegation against the petitioners is that they have tortured and harassed the *defacto complainant*, who is the wife of the first petitioner, and treated her with cruelty within the meaning of Section 498A IPC, by demanding more dowry.

3. Heard learned counsel for the petitioners, the learned counsel for the *defacto complainant*/2nd respondent herein, and the learned Public Prosecutor.

4. 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.

5. 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 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.

6. 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 F.I.R. and A2 final report in Crime No.428/2013 of Chavakkad Police Station and all further proceedings based on it in C.C.No.742/2013 pending before the Judicial First Class Magistrate's Court, Chavakkad, are hereby quashed.

Sd/-
B.KEMAL PASHA,
JUDGE

dl

// TRUE COPY //

PA to Judge