

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 25TH DAY OF FEBRUARY 2015/6TH PHALGUNA, 1936

Crl.MC.No. 820 of 2015

CRIME NO. 652/2014 OF HOSDURG POLICE STATION, KASARGOD DISTRICT.

PETITIONER(S)/ACCUSED NOS.1 & 2:

1. **ALTHAF P.V, AGED 28 YEARS,
S/O.MUHAMMED, R/AT PALLIVALAPPIL HOUSE,
MEENAPEESE, P.O.KANHANGAD,
KASARAGOD DISTRICT.**
2. **HASEENA P.V, AGED 38 YEARS,
D/O.MUHAMMED, R/AT PALLIVALAPPIL HOUSE,
MEENAPEESE, P.O.KANHANGAD,
KASARAGOD DISTRICT.**

BY ADV. SRI.K.P.HARISH

RESPONDENT(S)/STATE AND DEFACTO COMPLAINANT(CW1):

1. **STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
2. **NOUSHEEBA B, AGED 20 YEARS,
D/O.N.P.SUBAIR, NALUPURAPATTIL HOUSE,
KUYIAL, P.O.PADANNAKKAD, KANHANGAD
VILLAGE OF HOSDURG TALUK,
KASARAGOD DISTRICT - 671 313.**

R1 BY PUBLIC PROSECUTOR SRI.JIBU P.THOMAS

R2 BY ADV. KUM.K.SASIKALA

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 25-02-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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APPENDIX

PETITIONER(S)' ANNEXURES:

- ANNEXURE A1- THE TRUE COPY OF THE FIR AND FI STATEMENT IN CRIME
NO.652/2014 DATED 07.06.2014 OF HOSDURG POLICE STATION.**
- ANNEXURE A2- THE TRUE COPY OF THE AGREEMENT DATED 21.01.2015
SIGNED AND EXECUTED BETWEEN THE FIRST PETITIONER
AND THE SECOND RESPONDENT.**
- ANNEXURE A3- THE TRUE COPY OF THE RECEIPT DATED 21.01.2015 ISSUED
BY THE DEFACTO COMPLAINANT.**
- ANNEXURE A4- A TRUE COPY OF THE AFFIDAVIT DATED 05.02.2015 SIGNED BY
THE DEFACTO COMPLAINANT/2ND RESPONDENT BEFORE AN
ADVOCATE NOTARY.**

RESPONDENT(S)' EXHIBITS: - NIL

/TRUE COPY/

PS. TO JUDGE

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B.KEMAL PASHA, J.

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Crl.M.C. 820 of 2015

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Dated this the 25th day of February, 2015.

ORDER

Petitioners are accused in Crime No.652 of 2014 of Hosdurg Police Station registered for the offences punishable under Sections 323,498(A) 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-FIR in Crime No.652 of 2014 of the Hosdurg Police Station and all further proceedings against the petitioners in the said crime, pending before the Judicial First Class Magistrate's Court-I, Hosdurg, 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 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 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-FIR in Crime No.652 of 2014 of the Hosdurg Police Station and all further proceedings against the petitioners in the said crime, pending before the Judicial First Class Magistrate's Court-I, Hosdurg, are hereby quashed.

B.KEMAL PASHA, J.
(Judge)

smm

