

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 13TH DAY OF MARCH 2015/22ND PHALGUNA, 1936

Crl.MC.No. 925 of 2015 ()

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CC. NO.164/2013 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-I,
PERINTHALMANNA.**

CRIME NO. 1670/2012 OF PERINTHALMANNA POLICE STATION.

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PETITIONERS/ACCUSED:

- 1. FARIS, S/O.KUNHAMMU, AGED 25 YEARS,
PADUVAKKADAN HOUSE, THAZHEKODE P.O.,
PERINTHALMANNA, MALAPPURAM DISTRICT.**
- 2. SUHARA, W/O.KUNHIMOHAMMED,
AGED 53 YEARS, PADUVAKKADAN HOUSE,
THAZHEKODE P.O, PERINTHALMANNA,
MALAPPURAM DISTRICT.**

BY ADV. SRI.U.K.DEVIDAS.

RESPONDENTS/COMPLAINANT/STATE:

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. BALKEES, D/O.ABOOBACKER,
AGED 19 YEARS, THEKKAN HOUSE, PALLIPPADI,
ANAMANGAD P.O, PERINTHALMANNA,
MALAPPURAM DISTRICT-679 325.**

**R1 BY PUBLIC PROSECUTOR SRI.JIBU P.THOMAS.
R2 BY ADV. SMT.P.M.SHAHIDA.**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 13-03-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S ANNEXURES:-

- ANNEXURE A.** CERTIFIED COPY OF THE PRIVATE COMPLAINT FILED BY THE SECOND RESPONDENT DATED 09.09.2012.
- ANNEXURE B.** CERTIFIED COPY OF THE FIR IN PERINTHALMANNA POLICE STATION CRIME NO.1670/2012 DATED 28.11.2012.
- ANNEXURE C.** CERTIFIED COPY OF THE FINAL REPORT IN CC.164/2013 ON THE FILES OF THE JFCM COURT-I, PERINTHALMANNA, DATED 12.12.2012.
- ANNEXURE D.** ORIGINAL OF THE AFFIDAVIT DATED 07.09.2015 SWORN BY THE 2ND RESPONDENT.

RESPONDENT'S ANNEXURES:- NIL.

//TRUE COPY//

PA. TO JUDGE

rs.

B.KEMAL PASHA, J.

Crl.M.C. No.925 of 2015 B

Dated this the 13th day of March 2015

ORDER

Petitioners have come up with this Crl.M.C. under Section 482 Cr.P.C. for getting Annexure-B FIR and Annexure-C final report, in Crime No.1670/2012 of Perinthalmanna Police Station and all further proceedings based on it in C.C.No.164 of 2013 pending before the Judicial First Class Magistrate's Court-I, Perinthalmanna, 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 petitioner, 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-B FIR and Annexure-C final report in Crime No.1670/2012 of Perinthalmanna Police Station and all further proceedings based on it in C.C.No.164 of 2013 pending before the Judicial First Class Magistrate's Court-I, Perinthalmanna, are hereby quashed.

Sd/-
B.KEMAL PASHA,
JUDGE

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// TRUE COPY //

PA to Judge