

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. 927 of 2015

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CC 937/2013 OF JUDICIAL FIRST CLASS MAGISTRATE COURT - I, ALUVA.
CRIME NO. 1082/2013 OF ALUVA EAST POLICE STATION.
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PETITIONER(S):

- 1. BEERA PILLA, S/O.KHADER,
AGED 38 YEARS, PILAPPILLY HOUSE,
KUZHIVELIPADY, EDATHALA KARA,
ALUVA EAST VILLAGE.**
- 2. KHADER, S/O.ISMAIL, AGED 79,
PILAPPILLY HOUSE, KUZHIVELIPADY,
EDATHALA KARA, ALUVA EAST VILLAGE.**
- 3. ANSAR, AGED 24, S/O.ABDUL RAHMAN,
SAIDUKUDY HOUSE, PENGATTUSSERY,
EDATHALA NORTH.P.O, ALUVA EAST VILLAGE.**

BY ADV. SRI.M.M.ALIKUNJU

RESPONDENT/RESPONDENTS/COMPLAINANT:

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.**
- 2. SUB INSPECTOR OF POLICE,
ALUVA EAST POLICE STATION - 683 101.**
- 3. SANEERA, AGED 36, W/O.BEERA PILLAI,
PILAPPILLY HOUSE, KUZHIVELIPADY
EDATHALA KARA, ALUVA EAST VILLAGE,
ALUVA TALUK - 683 561.**

**R1 & R2 BY PUBLIC PROSECUTOR SRI.JIBU P.THOMAS
R3 BY ADV. SRI.M.GOPAKUMAR**

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

mbr/

APPENDIX

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ANNEXURE-A1: A TRUE COPY OF THE FIR IN CRIME 1082/2013 OF ALUVA EAST POLICE STATION.

ANNEXURE-A2: A TRUE COPY OF THE FIS IN CRIME NO.1082/2013 OF ALUVA EAST POLICE STATION.

ANNEXURE-A3: A TRUE COPY OF THE CHARGE SHEET IN CRIME NO.1082/2013 OF ALUVA EAST POLICE STATION.

**ANNEXURE-A4: PHOTOCOPY OF THE AGREEMENT DATED 23.01.2015
EXECUTIVE BETWEEN THE DE-FACTO COMPLAINANT AND
THE PETITIONERS.**

ANNEXURE-A5: THE AFFIDAVIT FILED BY THE DE-FACTO COMPLAINANT.

RESPONDENT(S)'ANNEXURES: - NIL

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/TRUE COPY/

P.S. TO JUDGE

mbr/

B.KEMAL PASHA, J.

.....
Crl.M.C. No. 927 of 2015
.....

Dated this the 25th day of February, 2015.

ORDER

Petitioners are accused in Crime No.1082 of 2013 of the Aluva East Police Station registered for the offence punishable under Sections 498 A and 323 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 and Annexure -A3 Final report in Crime No.1082 of 2013 of the Aluva East Police Station and all further proceedings based on it, in C.C.No.937 of 2013 pending before the Judicial First Class Magistrate's Court-I, Aluva, 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 3rd 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 3rd 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. Through a settlement, the 1st petitioner and the 3rd

respondent are living together as husband and wife and are leading a peaceful married life.

8. 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 and Annexure A3 Final Report in Crime No.1082 of 2013 of the Aluva East Police Station and all further proceedings based on it, in C.C.No.937 of 2013 pending before the Judicial First Class Magistrate's Court-I, Aluva are hereby quashed.

B.KEMAL PASHA, J.
(Judge)

smm

