

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

THURSDAY, THE 11TH DAY OF JUNE 2015/21ST JYAISHTA, 1937

Crl.MC.No. 978 of 2015

CRIME NO. 1015/2014 OF ALUVA EAST POLICE STATION , ERNAKULAM

PETITIONER(S)/ACCUSED:

1. RAFAEEQ, AGED 27 YEARS,
S/O.ABDUL KHADAR, AAYATHVEETIL, MANAKAPADY
ASOKAPURAM KARA, ALUVA TALUK.
2. ABDUL KHADAR, AGED 64 YEARS,
S/O.AHAMMED, AAYATHVEETIL, MANAKAPADY,
ASOKAPURAM KARA, ALUVA TALUK.
3. NABEESA, AGED 57 YEARS,
W/O.ABDUL KHADAR, -DO-
4. RAZIYA, AGED 34 YEARS,
W/O.SHIYAZ, EDAYATHALI HOUSE, EDAYAPURAM KARA,
ALUVA TALUK.

**BY ADVS.SRI.M.A.ABDUL HAKHIM
SRI.C.A.ANAS**

RESPONDENT(S)/COMPLAINANT-DE FACTO COMPLAINANT:

1. STATE OF KERALA,
REPRESENTED BY THE SUB INSPECTOR OF POLICE, ALUVA
ERNAKULAM DISTRICT, THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, KOCHI 682 031.
2. SAFNA, AGED 22 YEARS,
D/O.SHAMSU, THACHAVALLATH, MUPPATHADOM KARA,
PARAVUR TALUK- 683 110.

**R1 BY PUBLIC PROSECUTOR SRI.DHANESH MATHEW MANJOORAN
R2 BY ADV. SMT.BIMALA BABY**

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 11-06-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE A1. COPY OF THE AGREEMENT DATED 06.12.14 EXECUTED BY THE 2ND
PETITIONER AND THE 2ND RESPONDENT.**

**ANNEXURE A2. COPY OF THE FIR SUBMITTED BY THE ALUVA EAST POLICE ON THE
FILES OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT I, ALUVA.**

**ANNEXURE A3. AFFIDAVIT DATED 19.01.5 SWORN TO BY THE 2ND
RESPONDENT.**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

K. ABRAHAM MATHEW, J.

Crl.M.C.No.978 of 2015

Dated this the 11th day of June, 2015

ORDER

Petition filed under Section 482 Cr.P.C.

2. First petitioner is the husband of the second respondent and other petitioners are his parents and close relative. The petitioners are the accused in Crime No.1015/2014 of the Aluva East police station and on the file of the Judicial First Class Magistrate's Court-I, Aluva. They are alleged to have subjected the second respondent to cruelty and misappropriated her properties and thus committed the offences under Sections 406, 498A read with Section 34 of Indian penal Code. It is submitted that the dispute between the parties has been settled. The request is to quash the proceedings in the criminal case.

3. Heard the learned counsel for the petitioners and for the second respondent and the learned Public Prosecutor.

4. The second respondent has filed an affidavit to the effect that the dispute has been settled and she has no objection to the proceedings in the criminal case being

quashed. I am satisfied that the allegation is true. No public interest is involved in this case. This is a fit case to invoke the jurisdiction of this court under Section 482 Cr.P.C to quash the proceedings in the criminal case.

In the result, this Crl.M.C. is allowed. The proceedings in Crime No.1015/2015 of Aluva East police Station and on the files of the Judicial First Class Magistrate's Court-I, Aluva are quashed.

sd/-

K. ABRAHAM MATHEW
JUDGE

R.AV

//True Copy//

PA to Judge