

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 5TH DAY OF MARCH 2015/14TH PHALGUNA, 1936

Crl.MC.No. 1053 of 2015

**CC 551/2013 of JUDICIAL FIRST CLASS MAGISTRATE COURT-II,PERINTHALMANNA
CRIME NO. 120/2013 OF WANDOOD POLICE STATION , MALAPPURAM**

PETITIONER(S)/ACCUSED:

- 1. SAJITH. E, AGED 32 YEARS
S/O.UMMER, EDAPPATTA HOUSE, KUTTIYIL
VANIYAMBALAM P.O., WANDOOD (VIA.)
MALAPPURAM DISTRICT.**
- 2. UMMER, AGED 65 YEARS
S/O.ALAVIKUTTY, EDAPPATA HOUSE, KUTTIYIL
VANIYAMBALAM P.O., WANDOOD (VIA.)
MALAPPURAM DISTRICT.**

BY ADV. SRI.U.K.DEVIDAS

RESPONDENTS/DE-FACTO COMPLAINANT/STATE:

- 1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. NAJUMA RAHMAN, AGED 23 YEARS,
D/O.ABDUL RAHMAN, MADATHIL MEHIL, PULIKKAL
WANDOOD P.O., MALAPPURAM DISTRICT - 679 324.**

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

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 05-03-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

Crl.MC.No. 1053 of 2015

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE A: CERTIFIED COPY OF THE PRIVATE COMPLAINT FILED BY THE
SECOND RESPONDENT DATED 04/03/2014.**

**ANNEXURE B: CERTIFIED COPY OF THE FIR IN WANDOOR POLICE STATION CRIME
NO. 120 OF 2013 DATED 05/03/2013.**

**ANNEXURE C: CERTIFIED COPY OF THE FINAL REPORT IN C.C.NO. 551 OF 2013 ON
THE FILES OF THE JFCM COURT-II, PERINTHALMANNA, DATED
08/06/2013.**

**ANNEXURE D: ORIGINAL OF THE AFFIDAVIT DATED 31/01/2015 SWORN BY THE 2ND
RESPONDENT.**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

B.KEMAL PASHA, J.

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Crl.M.C. No. 1053 of 2015

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Dated this the 5th day of March, 2015

ORDER

Petitioners are the accused in Crime No.120/13 of the Wandoor Police Station, Malappuram District, registered for the offences punishable under Sections 406, 323, 506(1) and 498A 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-B FIR and Annexure-C Final Report in Crime No No.120/13 of the Wandoor Police Station, Malappuram District and all further proceedings based on it in C.C.No.551/13 pending before the Judicial First Class Magistrate's Court-II, Perinthalmanna, quashed.

3. The allegation against the petitioners is that they have tortured and harassed the defacto complainant, who is the wife of the 1st accused, and treated her with cruelty within the meaning of Section 498A IPC, by demanding more dowry, after misappropriating her entire gold ornaments and money.

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 complaint 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-B FIR and Annexure-C Final Report in Crime No No.120/13 of the Wandoor Police Station, Malappuram District and all further proceedings based on it in C.C.No.551/13 pending before the Judicial First Class Magistrate's Court-II, Perinthalmanna, are hereby quashed.

Sd/-
B.KEMAL PASHA, JUDGE

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//True copy//

P.A to Judge