

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. 1060 of 2015 ()

CRIME NO. 1209/2014 OF OTTAPALAM POLICE STATION, PALAKKAD DISTRICT.

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PETITIONERS/ACCUSED:

- 1. VEERANKUTTY, AGED 80 YEARS,
MANTHIYIL HOUSE, VENGASSERY,
OTTAPALAM TALUK, PALAKKAD DISTRICT.**
- 2. KADHEEJA, AGED 70 YEARS,
W/O.VEERANKUTTY, MANTHIYIL HOUSE, VENGASSERY,
OTTAPALAM TALUK, PALAKKAD DISTRICT.**
- 3. MARIYAKUTTY, AGED 35 YEARS,
W/O.ISMAIL, MANTHIYIL HOUSE, VENGASSERY,
OTTAPALAM TALUK, PALAKKAD DISTRICT.**
- 4. NABEESA, AGED 30 YEARS,
W/O.KUNHUMHAMMED, MANTHIYIL HOUSE,
VENGASSERY, OTTAPALAM TALUK,
PALAKKAD DISTRICT.**
- 5. ISMAIL, AGED 46 YEARS, S/O.VEERANKUTTY,
MANTHIYIL HOUSE, VENGASSERY,
OTTAPALAM TALUK, PALAKKAD DISTRICT.**
- 6. NIYAS, AGED 29 YEARS,
S/O.VEERANKUTTY, MANTHIYIL HOUSE,
VENGASSERY, OTTAPALAM TALUK,
PALAKKAD DISTRICT.**

**BY ADVS.SRI.BABU S. NAIR,
SRI.R.RANJITH.**

RESPONDENTS/STATE & DEFACTO COMPLAINANT:

- 1. THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, KOCHI - 682 031.,
THROUGH THE SUB INSPECTOR OF POLICE,
OTTAPALAM POLICE STATION, PALAKKAD DISTRICT.**

Crl.MC.No. 1060 of 2015

**2. SHAFIRA, D/O.NASAR,
CHERIYAMPARAMBIL, NELLIKURISSI,
OTTAPALAM, PALAKKAD DISTRICT, PIN - 679 101.**

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

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 05-03-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S ANNEXURES:

- ANNX.A- TRUE COPY OF THE F.I.R. IN CRIME NO.1209/2014 OF THE OTTAPALAM POLICE STATION DATED 16.10.2014.**
- ANNX.B- TRUE COPY OF THE AFFIDAVIT SWORN TO BY THE 2ND RESPONDENT DATED 12.02.2015.**
- ANNX.C- TRUE COPY OF THE ORDER IN M.C.NO.5/2015 OF THE FAMILY COURT, OTTAPALAM DATED 14.01.2015.**
- ANNX.D- TRUE COPY OF THE AGREEMENT DATED 14.01.2014 ENTERED INTO BETWEEN THE 6TH PETITIONER & THE 2ND RESPONDENT.**

RESPONDENT'S ANNEXURES: NIL.

//TRUE COPY//

P.A TO JUDGE

rs.

B.KEMAL PASHA, J.

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CRL.M.C. No.1060 of 2015

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Dated this the 5th day of March, 2015

ORDER

Petitioners are accused in Crime No.1209 of 2014 of the Ottapalam Police Station registered for the offence punishable under Section 498A of the Indian Penal Code.

2. Petitioners have come up with this Crl.M.C. under Section 482 Cr.P.C. for getting Annexure-A First Information Report in Crime No.1209 of 2014 of the Ottapalam Police Station and all further proceedings based on it, quashed.

3. The allegation against the petitioners is that they have tortured and harassed the defacto complainant, who is the wife of the 6th 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-A First Information Report in Crime No.1209 of 2014 of the Ottapalam Police Station and all further proceedings based on it, are hereby quashed.

**Sd/-
B. KEMAL PASHA
JUDGE**

DSV/5/3/15

// True Copy //

P.A. To Judge