

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 16TH DAY OF MARCH 2015/25TH PHALGUNA, 1936

CrI.MC.No. 1148 of 2015 ()

**CC.NO. 1084/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT -I,
THAMARASSERY, KOZHIKODE DISTRICT**

PETITIONER(S)/ACCUSED:

- 1. ABU HABBATH, SON OF ASSAIN, AGED 31 YEARS,
ARECHOLAYIL, PATHIMANGALAM, KUNNAMANGALAM,
KOZHIKODE DISTRICT.**
- 2. AYISHA, WIFE OF ASSAIN, AGED 59 YEARS,
(SAME ADDRESS).**
- 3. SERENA, WIFE OF ELIAS, AGED 31 YEARS,
(SAME ADDRESS)**

BY ADV. SRI.K.A.SALIL NARAYANAN

RESPONDENT(S)/STATE AND COMPLAINANT:

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**
- 2. FATHIMA NILOPHAR, D/O.MUHAMMAD, AGED 23 YEARS,
PARAMBATHKAVU, KODUVALLY,
KOZHIKODE DISTRICT - 673 010**

**R1 BY PUBLIC PROSECUTOR SRI.JIBU P. THOMAS
R2 BY ADV. SRI.B.HARISH KUMAR**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 16-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

sts

=====

B. KEMAL PASHA, J.

.....
Crl.M.C. No.1148 2015
.....

Dated this the 16th day of March, 2015

ORDER

~~~~~

This is a petition filed under Section 482 of the Code of Criminal Procedure.

2. Petitioners are the accused in Crime No.330/2014 of Koduvally Police Station registered for the offences punishable under Sections 498A and 406 of the Indian Penal Code.

3. Petitioners have come up with this petition for getting Annexure-1 FIR in Crime No.330/2014 of Koduvally Police Station as against the petitioners and all further proceedings based on it in C.C.1084/2014 pending before the Judicial First Class Magistrate's Court-I, Thamarassery quashed.

4. The allegation against the petitioners is that they have tortured and harassed the de facto complainant, who

is the wife of the 1<sup>st</sup> petitioner, and treated her with cruelty within the meaning of Section 498A IPC, by demanding more dowry, after misappropriating her entire gold ornaments and money.

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 2<sup>nd</sup> 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, therefore, all further proceedings in the matter referred to above can be quashed. She has entered appearance through her counsel.

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 CrI.M.C. is allowed and Annexure-1 FIR in Crime No.9330/2014 of Koduvally Police Station as against the petitioners and all further proceedings based on it in C.C.1084/2014 pending before the Judicial First Class Magistrate's Court-I, Thamarassery are hereby quashed.

Sd/-  
**(B.KEMAL PASHA, JUDGE)**

aks/16/03

*// True Copy //*

*PA to Judge*