

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 2ND DAY OF MARCH 2015/11TH PHALGUNA, 1936

Crl.MC.No. 1247 of 2015

**CC 2734/2013 OF JUDICIAL FIRST CLASS MAGISTRATE CURT, THRISSUR
CRIME NO. 1516/2013 OF PEECHI POLICE STATION , TRISSUR**
.....

PETITIONER(S)/ACCUSED:

**NOUSHAD @ NISHAD, AGED 37 YEARS,
S/O.ISMAIL, AMBALATH HOUSE, PANANCHERRY VILLAGE
THRISSUR DISTRICT.**

BY ADV. SRI. P. SANTHOSH (PODUVAL)

RESPONDENT(S)/STATE & DEFACTO COMPLAINANT:

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**
- 2. NADHEERA,
W/O.NOUSHAD, THAZHATHU PARAMBIL HOUSE,
PATTIKKAD P.O., THRISSUR - 680 652.**

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

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
02-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

Crl.MC.No. 1247 of 2015

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE A: CERTIFIED COPY FIR IN CRIME NO. 1516/2013 OF PEECHI POLICE STATION.

ANNEXURE B: CERTIFIED COPY OF FINAL REPORT IN CRIME NO. 1516/2013 OF PEECHI POLICE STATION.

ANNEXURE C: AN AFFIDAVIT SWORN BY THE 2ND RESPONDENT.

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Ms v/

B.KEMAL PASHA, J.

.....
Crl.M.C. No.1247 of 2015

.....
Dated this the 2nd day of March, 2015.

O R D E R

Petitioner is the accused in Crime No.1516 of 2013 of the Peechi Police Station registered for the offence punishable under Section 498A of the Indian Penal Code.

2. Petitioner has come up with this Crl.M.C. under Section 482 Cr.P.C. for getting Annexure-A First Information Report and Annexure B Final Report in Crime No.1516 of 2013 of the Peechi Police Station and all further proceedings based on it, in C.C.No.2734 of 2013 pending before the Judicial First Class Magistrate's Court-III, Thrissur, quashed.

3. The allegation against the petitioner is that he has tortured and harassed the defacto complainant, who is his wife , and treated her with cruelty within the meaning of Section 498A IPC, by demanding more dowry.

4. Heard learned counsel for the petitioner, the learned counsel for the defacto complainant, who is the 2nd respondent herein, and the learned Public Prosecutor.

5. According to the petitioner, all the matters in dispute between the petitioner and the defacto complainant have been amicably settled and presently the defacto complainant has no complaints against the petitioner and, therefore, the proceedings against the petitioner 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 petitioner have been amicably settled and, therefore, she has no complaints against the petitioner, 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 petitioner and the 2nd

respondent are living together as husband and wife and are leading a peaceful married life. When all the matrimonial disputes have been settled between the parties and as the defacto complainant has no complaints against the petitioner, 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 and Annexure B Final Report in Crime No.1516 of 2013 of the Peechi Police Station and all further proceedings based on it in C.C.No.2734 of 2013 pending before the Judicial First Class Magistrate's Court-III, Thrissur,are hereby quashed.

B.KEMAL PASHA, J.
(Judge)

smm

