

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. 1249 of 2015 ()

CC.NO. 797/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, KASARAGOD
CRIME NO. 695/2013 OF BADIYADUKKA POLICE STATION, KASARAGOD

PETITIONERS/ACCUSED NO. 1 & 2 :

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- 1. NISAM O. @ NISAMDUDDIN**
S/O.MAJED, AGED 23 YEARS, OOLIYANTAKATH HOUSE,
PALLIVAYAL P.O., THALIPPARAMBA TALUK, KANNUR DISTRICT.
 - 2. SEENATH O.,**
W/O.MAJED, AGED 40 YEARS
OOLIYANTAKATH HOUSE, PALLIVAYAL P.O.
THALIPPARAMBA THALUK, KANNUR DISTRICT.

BY ADV. SRI.ZUBAIR PULIKOOL

RESPONDENTS/COMPLAINANT & STATE :

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- 1. JASEERA P.,**
W/O.NISAMUDDIN, AGED 20 YEARS
NAZEEB MANZIL HOUSE, PUTHRAKKALA
BADIYADUKKA P.O., KASARAGOD TALUK,
KASARGOD DISTRICT, PIN - 673 121.
 - 2. STATE OF KERALA**
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM, PIN - 682 031.

R1 BY ADV. SMT.P.A.ANEESHA
R2 BY PUBLIC PROSECUTOR SRI. JIBU P. THOMAS

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

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...2/-

Crl.MC.No. 1249 of 2015 ()

APPENDIX

PETITIONERS' ANNEXURES :

**ANNEXURE 1: TRUE COPY OF FIR & POLICE CHARGE IN CRIME NO. 695/2013
 OF BADIYADUKKA POLICE STATION.**

ANNEXURE 2: SWORN AFFIDAVIT OF 1ST RESPONDENT.

**ANNEXURE 3: AGREEMENT EXECUTED BETWEEN PETITIONERS & 1ST
 RESPONDENT.**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

B.KEMAL PASHA, J.

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Crl.M.C. No. 1249 of 2015

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Dated this the 2nd day of March, 2015.

ORDER

Petitioners are accused in Crime No.695 of 2013 of the Badiyadukka 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-1 FIR in Crime No.695 of 2013 of the Badiyadukka Police Station and all further proceedings based on it, in C.C.No.797 of 2014 pending before the Judicial First Class Magistrate's Court, Kasargod, quashed.

3. The allegation against the petitioners is that they have tortured and harassed the defacto complainant, who is the wife of the 1st 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 1st 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 1st 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. Through a settlement, the 1st 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 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-1 FIR in Crime No.695 of 2013 of the Badiyadukka Police Station and all further proceedings based on it, in C.C.No.797 of 2014 pending before the Judicial First Class Magistrate's Court, Kasargod are hereby quashed.

B.KEMAL PASHA, J.
(Judge)

smm

