

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 20TH DAY OF MARCH 2015/29TH PHALGUNA, 1936

CrI.MC.No. 1328 of 2015 ()

CRIME NO. 53/2015 OF KAZHAKUTTOM POLICE STATION , THIRUVANANTHAPURAM.

PETITIONER/ACCUSED:

**MUHAMMED RAFI, AGED 24 YEARS
S/O. ABDUL RAZAQ,
S.R. MANZIL,
NEAR KAZHAKUTTOM SAINIK SCHOOL,
KAZHAKUTTOM,
THIRUVANANTHAPURAM.**

BY ADV. SRI.SHAJIN S.HAMEED

RESPONDENT(S)/STATE & DE FACTO COMPLAINANT:

- 1. STATE OF KERALA
REPRESENTED BY THE SUB INSPECTOR OF POLICE,
KAZHAKUTTOM POLICE STATION,
REPRESENTED THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. SOFIA,, AGED 28 YEARS
D/O. SUBAIDA BEEVI,
ATTARIKATHU VEEDU,
CHANAKARA JANMIMUKKU,
KADINAMKULAM VILLAGE
THIRUVANANTHAPURAM PIN-695 201.**

R1 BY PUBLIC PROSECUTOR SRI.SREEJITH.V.S.

R2 BY ADV. SRI.A.K.RAJESH

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 20-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

vmr.

Crl.MC.No. 1328 of 2015 ()

APPENDIX

PETITIONER(S)' ANNEXURES

**ANNEXURE A: CERTIFIED COPY OF THE FIR IN CRIME NO. 53/2015 OF
KAZHAKUTTOM POLICE STATION.**

**ANNEXURE B: AFFIDAVIT EXECUTED BY THE 2ND RESPONDENT/DE FACTO
COMPLAINANT.**

RESPONDENT(S) ANNEXURES: NIL

/TRUE COPY/

P.A.TO JUDGE

vmr.

B.KEMAL PASHA, J.

Crl.M.C. No.1328 of 2015 G

Dated this the 20th day of March 2015

ORDER

Petitioner has come up with this Crl.M.C. under Section 482 Cr.P.C. for getting Annexure-A F.I.R. in Crime No.53/2015 of Kazhakuttom Police Station and all further proceedings pursuant to it as against the petitioner, quashed.

2. 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.

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

4. 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.

5. 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.

6. 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 F.I.R. in Crime No.53/2015 of Kazhakuttom Police Station and all further proceedings based on it, are hereby quashed.

Sd/-
B.KEMAL PASHA,
JUDGE

dl