

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 17TH DAY OF MARCH 2015/26TH PHALGUNA, 1936

Cr1.MC.No. 1334 of 2015 ()

C.C No. 1129/2014 of J.M.F.C.-I, ALAPPUZHA

CRIME NO. 717/2013 OF MANNANCHERRY POLICE STATION, ALAPPUZHA

PETITIONER(S) /ACCUSED:

SAIFUDEEN, AGED 30 YEARS
S/O.SAIDU MUHAMMED, URALI VEETIL, AMINA MANZIL
PONNADU P.O., ALAPPUZHA.

BY ADV. SRI.P.SHANES METHAR

RESPONDENT(S) /COMPLAINANT/DE FACTO COMPLAINANT:

1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM 682 031.

2. SHANU, AGED 28,
D/O.VADAYAR MOHAMMED, BISMILLAH MANZIL, THAIPARAMBIL
PALACE WARD, ALAPPUZHA - 688 001.

R2 BY ADV. SRI.BENSON J LAW RANCE
R1 BY PUBLIC PROSECUTOR SRI.JIBU.P.THOMAS.

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 17-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Cr1.MC.No. 1334 of 2015 ()

APPENDIX

PETITIONER(S) ' EXHIBITS

A-1 : TRUE COPY OF THE FINAL REPORT IN C.C. NO.1129/2014 ON
THE FILE OF JFCM -1, ALAPPUZHA

A-II: TRUE COPY OF FIR IN CRIME NO.717/2013 OF MANNANCHERRY
POLICE STATION

AIII: AFFIDAVIT OF THE 2ND RESPONDENT

RESPONDENT(S) ' EXHIBITS : NIL

//True copy//

P.A to Judge

stu

B.KEMAL PASHA, J.

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Crl.M.C. No. 1334 of 2015

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Dated this the 17th day of March, 2015

ORDER

Petitioner is the accused in Crime No.717 of 2013 of the Mannancherry Police Station, Alappuzha District, 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-I Final Report and Annexure-II FIR in Crime No.717 of 2013 of the Mannancherry Police Station, Alappuzha District and all further proceedings based on it in C.C.No.1129 of 2014 pending before the Judicial First Class Magistrate's Court-I, Alappuzha, quashed.

3. The allegation against the petitioner is that he has tortured and harassed the defacto complainant, who is the wife of the petitioner, 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-I Final Report and Annexure-II FIR in Crime No.717 of 2013 of the Mannancherry Police Station, Alappuzha District and all further proceedings based on it in C.C.No.1129 of 2014 pending before the Judicial First Class Magistrate's Court-I, Alappuzha, are hereby quashed.

Sd/-
B.KEMAL PASHA, JUDGE

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