

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

Crl.MC.No. 1381 of 2015

C.C.NO.1681/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-II,HOSDRUG

CRIME NO. 751/2010 OF BEKAL POLICE STATION , KASARGOD

PETITIONER(S)/ACCUSED NOS 1 & 2 :

- 1. V.SAKARIYA, AGED 33 YEARS,
S/O.RAZAK, NEDUNKANDA HOUSE,
NEAR PADANNAKKAD THOTTAM JUNCTION, PADANNAKKAD P.O,
HOSDURG TALUK.**
- 2. RAHIMAN, AGED 40 YEARS,
RESIDING AT NEDUNKANDA HOUSE,
NEAR PADANNAKKAD THOTTAM JUNCTION, PADANNAKKAD P.O,
HOSDURG TALUK.**

BY ADV. SRI.K.P.HARISH

RESPONDENT(S)/STATE AND DEFACTO COMPLAINANT(CW1) :

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM- 682 031.**
- 2. JASEELA, AGED 25 YEARS,
D/O.ABDUL RAHIMAN, CHIRAKKAL HOUSE,
POOCHAKAD VALIYAPALLI, P.O.KEEKAN, PALLIKKARA VILLAGE,
HOSDURG TALUK(WITHIN THE LIMITS OF BEKAL POLICE STATION) 671 315.**

**R1 BY PUBLIC PROSECUTOR SRI.JIBU.P.THOMAS
R2 BY ADV.KUM.K.SASIKALA**

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

Msd.

APPENDIX

PETITIONER(S)' ANNEXURES :

- ANNEXURE A1:** THE TRUE COPY OF THE FIR IN CRIME NO.751/2010 DATED 26-10-2010 OF BEKAL POLICE STATION.
- ANNEXURE A2:** THE TRUE COPY OF THE FINAL REPORT DATED 31-12-2010 IN CRIME NO.751/2010 OF BEKAL POLICE STATION AS NUMBERED AS C.C NO.207/2011 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT-II, HOSDURG.
- ANNEXURE A3:** THE TRUE COPY OF THE JUDGMENT DATED 14-11-2014 IN C.C NO.207/2011 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT-II, HOSDURG.
- ANNEXURE A4:** THE TRUE COPY OF THE AGREEMENT DATED 05-02-2015 SIGNED AND EXECUTED BETWEEN THE FIRST PETITIONER AND THE SECOND RESPONDENT.
- ANNEXURE A5:** THE TRUE COPY OF THE RECEIPT DATED 14-10-2014.
- ANNEXURE A5(A):** THE TRUE COPY OF THE RECEIPT DATED 29-01-2015.
- ANNEXURE A6:** A TRUE COPY OF THE AFFIDAVIT DATED 05-02-2015 SIGNED BY THE DEFACTO COMPLAINANT/2ND RESPONDENT BEFORE AN ADVOCATE NOTARY.

RESPONDENT(S)' ANNEXURES :

NIL

//TRUE COPY//

P.S.TO JUDGE.

Msd.

B.KEMAL PASHA, J.

.....
CRL. M.C. No.1381 of 2015
.....

Dated this the 17th day of March, 2015

ORDER

Petitioners are A1 and A2 in Crime No.751/10 of the Bekal Police Station, registered for the offence punishable under Section 498A read with Section 34 of the Indian Penal Code.

2. Petitioners have come up with this Crl.M.C. under Section 482 Cr.P.C. for getting all further proceedings in C.C.No.1681/2014 of the Judicial First Class Magistrate's Court-II, Hosdurg, which has arisen from Crime No.751/10 of the Bekal Police Station, quashed.

3. The allegation against the petitioners is that they have tortured and harassed the defacto complainant, who is the wife of the 1st accused, 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 2nd 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 2nd 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. 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 all further proceedings in C.C.No.1681/2014 of the Judicial First Class Magistrate's Court-II, Hosdurg, which has arisen from Crime No.751/10 of the Bekal Police Station, are hereby quashed.

Sd/- B.KEMAL PASHA, JUDGE

ul/-

[True copy]

P.S. to Judge