

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE B.KEMAL PASHA

MONDAY, THE 16TH DAY OF MARCH 2015/25TH PHALGUNA, 1936

Crl.MC.No.1406 of 2015

**CMP NO.5041/2014 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT,
VADAKKANCHERRY.
CRIME NO.873/2014 OF CHERUTHURUTHY POLICE STATION,TRISSUR.**

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PETITIONERS/ACCUSED:

1. JISHAD,AGED 27 YEARS,S/O.ABDULLA,KALATHIL HOUSE,
THAZHAPRA,CHERUTHURUTHI.
2. ABDULLA,AGED 56 YEARS,S/O.ASSANAR,
KALATHIL HOUSE,THAZHAPRA,CHERUTHURUTHI.
3. SAJANA,AGED 24 YEARS,D/O.ABDULLA,
KALATHIL HOUSE,THAZHAPRA,CHERUTHURUTHI.
4. RAMLA,AGED 40 YEARS,W/O.ABDULLA,
KALATHIL HOUSE,THAZHAPRA,CHERUTHURUTHI.

BY ADV.SRI.R.SREEHARI

RESPONDENT/COMPLAINANT & STATE:

**RASITHA @ RASHITHA,AGED 20 YEARS,
D/O.MUHAMMED MUSTHAFU,PUTHANPEEDIKAYIL HOUSE,
POST THALASSERI,THALAPILLY TALUK,
THRISSUR DISTRICT,PIN-679532.**

R1 BY ADV.SRI.K.RAJESH SUKUMARAN

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 16-03-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Crl.MC.No.1406 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

**ANNEXURE A1:PHOTO COPY OF FIR IN CRIME NO.873/2014 OF
CHERUTHURUTHY POLICE STATION DATED 2.8.2014.**

**ANNEXURE A2:PHOTO COPY OF AGREEMENT EXECUTED BETWEEN THE 2ND
PETITIONER AND THE 1ST RESPONDENT DATED 1.3.2015.**

ANNEXURE A3:AFFIDAVIT OF THE FIRST RESPONDENT.

RESPONDENT'S ANNEXURES:

NIL

//TRUE COPY//

P.S. TO JUDGE

pk

B. KEMAL PASHA, J.

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Crl.M.C. No.1406 2015
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Dated this the 16th day of March, 2015

ORDER

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This is a petition filed under Section 482 of the Code of Criminal Procedure.

2. Petitioners are the accused in Crime No.873/2014 of Cheruthuruthy Police Station registered for the offences punishable under Sections 498A and 406 of the Indian Penal Code.

3. Petitioners have come up with this petition for getting Annexure-A1 FIR in Crime No.873/2014 of Cheruthuruthy Police Station as against the petitioners and all further proceedings based on it pending before the Judicial First Class Magistrate's Court, Wadakkanchery, quashed.

4. The allegation against the petitioners is that they have tortured and harassed the de facto complainant, who

is the wife of the 1<sup>st</sup> petitioner, and treated her with cruelty within the meaning of Section 498A IPC, by demanding more dowry, after misappropriating her entire gold ornaments and money.

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 1<sup>st</sup> 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, therefore, all further proceedings in the matter referred to above can be quashed. She has entered appearance through her counsel.

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 Annexure-A1 FIR in Crime No.873/2014 of Cheruthuruthy Police Station as against the petitioners and all further proceedings based on it pending before the Judicial First Class Magistrate's Court, Wadakkanchery are hereby quashed.

Sd/-  
**(B.KEMAL PASHA, JUDGE)**

aks/16/03

*// True Copy //*

*PA to Judge*