

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 18TH DAY OF MARCH 2015/27TH PHALGUNA, 1936

Crl.MC.No. 1447 of 2015 ()

**CC.NO. 358/2013 OF JUDICIAL FIRST CLASS MAGISTRATE COURT -I,THAMARASSERY
CRIME NO. 258/2013 OF THAMARASSERY POLICE STATION,KOZHIKODE DISTRICT**

PETITIONER(S)/ACCUSED:

1. ANSAR, SON OF NAFEESA, AGED 30 YEARS,
NAYATTUKUNNUMAL, CHIRAKKAL ESTATE,
ESTATE MUKKU,UNNIKULAM, KOZHIKODE DISTRICT.
2. NAFEESA,
WIFE OF AHAMMED KUTTY, AGED 58 YEARS,
NAYATTUKUNNUMAL,CHIRAKKAL ESTATE,
ESTATE MUKKU UNNIKULAM,
KOZHIKODE DISTRICT.
3. SHAMSEER, SON OF NAFEESA, AGED 26 YEARS,
NAYATTUKUNNUMAL, CHIRAKKAL ESTATE,
ESTATE MUKKU, UNNIKULAM, KOZHIKODE DISTRICT.

BY ADV. SRI.K.A.SALIL NARAYANAN

RESPONDENT(S)/STATE AND COMPLAINANT:

1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.
2. NADEERA, D/O.ABOOBACKER,AGED 26 YEARS,
VALAPPIL POYIL, RAROTH AMSOM,
THAMARASSERY TALUK, KOZHIKODE DISTRICT-673 105.

**R1 BY PUBLIC PROSECUTOR SRI.JIBU P. THOMAS
R2 BY ADV. SRI.B.HARISH KUMAR**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 18-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

sts

Crl.MC.No. 1447 of 2015 ()

APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEX.1 - COPY OF THE FIR IN CRIME 258/13 REGISTERED BY THE
THAMARASSERY POLICE, KOZHIKODE DISTRICT.**

**ANNEX.2 - TRUE COPY OF THE MEMORANDUM OF EVIDENCE AND CHARGE
SUBMITTED BY THE POLICE PURSUANT TO ANNEXURE 1.**

ANNEX.3 - AFFIDAVIT SWORN TO BY THE 2ND RESPONDENT.

RESPONDENT(S)' ANNEXURES: NIL

/TRUE COPY/

P.A.TO.JUDGE

sts

B. KEMAL PASHA, J.

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Crl.M.C. No.1447 2015
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Dated this the 18th 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.258/2013 of Thamarassery Police Station registered for the offences punishable under Sections 323, 406, 420 and 498A read with Section 34 of the Indian Penal Code.

3. Petitioners have come up with this petition for getting Annexure-1 FIR in Crime No.258/2013 of Thamarassery Police Station as against the petitioners and all further proceedings based on it in C.C.358/2013 pending before the Judicial First Class Magistrate's Court-I, Thamarassery, 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. Heard learned counsel for the petitioners, the learned counsel for the defacto complainant, who is the 2<sup>nd</sup> respondent herein, and learned Public Prosecutor.

6. 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.

7. The defacto complainant, who is the 2<sup>nd</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. 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.

8. 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.258/2013 of Thamarassery Police Station as against the petitioners and all further proceedings based on it in C.C.358/2013 pending before the Judicial First Class Magistrate's Court-I, Thamarassery are hereby quashed.

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

aks/18/03