

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. 1538 of 2015

**CC 607/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-1, PERINTHALMANNA
CRIME NO. 979/2014 OF PERINTHALMANNA POLICE STATION, MALAPPURAM**
.....

PETITIONER(S)/ACCUSED:

- 1. MOHAMMED SHAJI, AGED 27 YEARS,
S/O.MOIDU (LATE), PEERALI HOUSE, KATTUPPARA,
CHELAKKAD P.O., PULAMANTHOLE VILLAGE,
PERINTALMANNA TALUK, MALAPPURAM DISTRICT.**
- 2. FATHIMA,
W/O.MOIDU (LATE), PEERALI HOUSE, KATTUPPARA,
CHELAKKAD P.O., PULAMANTHOLE VILLAGE,
PERINTALMANNA TALUK, MALAPPURAM DISTRICT.**
- 3. RAMLA,
D/O.MOIDU, (LATE), PEERALI HOUSE,
KATTUPPARA, CHELAKKAD P.O., PULAMANTHOLE VILLAGE,
PERINTALMANNA TALUK, MALAPPURAM DISTRICT.**

BY ADV. SRI.P.SAMSUDIN

RESPONDENT(S)/DEFACTO COMPLAINANT AND STATE:

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA ERNAKULAM - 682 031.
(CRIME NO.979/2014 OF PERINTALMANNA POLICE STATION)**
- 2. FARISHA, AGED 19 YEARS,
D/O.YUSUF, KORAMBI HOUSE, VEETIKKAD,
THEKKUMMURI P.O. - 678 324, KARALMANNA,
OTTAPPALAM TALUK, PALAKKAD DISTRICT.**

**R1 BY PUBLIC PROSECUTOR SRI.JIBU P. THOMAS
R2 BY ADV. SRI.K.C.ANTONY MATHEW**

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

msv/

APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEXURE A1: TRUE COPY OF THE FIR IN CRIME NO.979/2014 OF PERINTALMANNA
POLICE STATION.**

**ANNEXURE A2: TRUE COPY OF THE FINAL REPORT IN CRIME NO.979/2014 OF
PERINTALMANNA POLICE STATION.**

**ANNEXURE A3: TRUE COPY OF AGREEMENT ENTERED INTO 2ND PETITIONER AND
2ND RESPONDENT.**

ANNEXURE A4: AFFIDAVIT SWORN IN BY THE 2ND RESPONDENT.

RESPONDENT(S)' ANNEXURES:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

B. KEMAL PASHA, J.

.....
Crl.M.C. No.1538 2015
.....

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.979/2014 of Perinthalmanna Police Station registered for the offences punishable under Sections 498A, 323 and 506 (i) read with Section 34 of the Indian Penal Code.

3. Petitioners have come up with this petition for getting Annexure-A1 FIR and Annexure-A2 final report in Crime No.979/2014 of Perinthalmanna Police Station as against the petitioners and all further proceedings based on it in C.C.607/2014 pending before the Judicial First Class Magistrate's Court-I, Perinthalmanna, quashed.

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

is the wife of the 1st petitioner, and treated her with cruelty within the meaning of Section 498A IPC, by demanding more dowry.

5. Heard learned counsel for the petitioners, the learned counsel for the defacto complainant, who is the 2nd 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 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, 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-A1 FIR and Annexure-A2 final report in Crime No.979/2014 of Perinthalmanna Police Station as against the petitioners and all further proceedings based on it in C.C.607/2014 pending before the Judicial First Class Magistrate's Court-I, Perinthalmanna are hereby quashed.

Sd/-
(B.KEMAL PASHA, JUDGE)