

**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. 1561 of 2015**  
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**CC 110/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-II, HOSDRUG  
CRIME NO. 845/2013 OF NILESWAR POLICE STATION , KASARGOD**  
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**PETITIONER(S)/ACCUSED:**  
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1. RASID P.V., AGED 29 YEARS,  
S/O.ABOOBAKKER, FAMEEZA MANZIL, KARUVALAM  
PADANNAKKAD VILLAGE, KASARAGOD DISTRICT.
2. NABEESA A.K., AGED 59 YEARS  
W/O.ABOOBAKKER, FAMEEZA MANZIL, KARUVALAM  
PADANNAKKAD, KANHANGAD VILLAGE, KASARAGOD DISTRICT
3. SAHIRA P.V., AGED 33 YEARS  
D/O.ABOOBAKKER, PUTHIYA VAALAPP KADAPPURAM  
DARUL SALAM QUARTERS, HOSDURG VILLAGE  
KASARAGOD DISTRICT.

**BY ADVS.SRI.RAHUL SASI  
SMT.NEETHU PREM**

**RESPONDENT(S)/COMPLAINANT:**  
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1. STATE OF KERALA, REP.BY PUBLIC PROSECUTOR,  
HIGH COURT OF KEALA, ERNAKULAM PIN - 682031.
2. FATHIBI, D/O.LATE ABDUL KAREEM, AGED 24 YEARS  
SABIR MANZIL, NEAR NADUVIL PALLI, THIKADAPPURAM  
NILESWARAM VILLAGE, HSODURG TALUK  
KASARAGOD DISTRICT PIN - 673 101.

**R1 BY PUBLIC PROSECUTOR SRI.JIBU P.THOMAS  
R2 BY ADV. SRI.NIRMAL V NAIR**

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

**Crl.MC.No. 1561 of 2015**  
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**APPENDIX**

**PETITIONER(S)' ANNEXURES**  
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**ANNEXURE A1- A TRUE COPY OF THE FIR IN CRIME NO.845 OF 2013 OF  
NILESWARAM POLICE STATION**

**ANNEXURE A2- A TRUE COPY OF THE FINAL REPORT IN CRIME NO. 845 OF 2013 OF  
NILESWARAM POLICE STATION**

**ANNEXURE A3- AFFIDAVIT DATED 25.2.2015 SUBMITTED BY 2ND RESPONDENT**

**RESPONDENT(S)' ANNEXURES**  
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**NIL.**

**/ TRUE COPY /**

**P.S. TO JUDGE**

**PJ**

**B. KEMAL PASHA, J.**

.....  
Crl.M.C. No.1561 2015  
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*Dated this the 18<sup>th</sup> day of March, 2015*

**O R D E R**

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

2. Petitioners are accused Nos.1 to 3 in Crime No.845/2013 of Nileswaram Police Station registered for the offence punishable under Section 498A 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.845/2013 of Nileswaram Police Station as against the petitioners and all further proceedings based on it in

C.C.110/2014 pending before the Judicial First Class Magistrate's Court-II, Hosdurg, 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.

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. Through the settlement, the petitioner and the 2<sup>nd</sup> 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 petitioners, it is only just and expedient in the interest of justice to quash the proceedings referred to above.

In the result, this CrI.M.C. is allowed and Annexure-A1 FIR and Annexure-A2 final report in Crime No.845/2013 of Nileswaram Police Station as against the petitioners and all

further proceedings based on it in C.C.110/2014 pending before the Judicial First Class Magistrate's Court-II, Hosdurg are hereby quashed.

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

aks/18/03

*// True Copy //*

*PA to Judge*