

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 24TH DAY OF MARCH 2015/3RD CHAITHRA, 1937

Crl.MC.No. 1589 of 2015 ()

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IN SC 1013/2013 of JUDICIAL FIRST CLASS MAGISTRATE COURT, PAYYANNUR,
KANNUR DISTRICT
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PETITIONER(S)/ACCUSED:

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- 1. SANOOP K.S., AGED 28 YEARS,
S/O.MUHAMMED SALI,
KUDUMANIYIL HOUSE,
KUTTAPARAMBA,
UDAYAGIRI AMSOM,
TALIPARAMBA,
KANNUR.**
 - 2. LAILA PAYYANPALLI, AGED 52 YEARS,
D/O.KUTTI RAVUTHAR,
PAYANPALLI HOUSE,
KUTTAPARAMBA,
UDAYAGIRI AMSOM,
ALAKODE VIA,
TALIPARAMBA TALUK,
KANNUR.**

**BY ADVS.SRI.SUNIL NAIR PALAKKAT
SRI.K.N.ABHILASH**

RESPONDENT(S)/STATE AND COMPLAINANT:

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- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM -682 031.**
 - 2. STATION HOUSE OFFICER,
PERIGOME POLICE STATION,
PERINGOME,
KANNUR - 670 354.**

- 3. RAHIYA BEEVI C.V.
D/O. AHEMMED KHAN, AGED 24 YEARS,
CHIRANADAYIL HOUSE, KANNIKKALAM,
CHUNDA P.O.,
CHERUPUZHA AMSOM,
TALIPARAMBA TALUK
KANNUR - 670 511.**

**R1 BY PUBLIC PROSECUTOR JIBU.P.THOMAS
R BY ADV. SRI.JACOB SEBASTIAN**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 24-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

vmr.

APPENDIX

PETITIONER(S)'S ANNEXURES

- ANNEXURE A1-** **THE TRUE COPY OF THE CHARGE IN C.C.1013/13 OF THE JUDICIAL FIRST CLASS MAGISTRATE PAYYANNUR FURNISHED TO THE PETITIONER BY THE 2ND RESPONDENT UNDER PROVISIONS OF CR.P.C DATED NIL.**
- ANNEXURES A2-** **THE AFFIIDAVIT DATED 03/02/15 SWORN IN BY THE 3RD RESPONDENT.**
- ANNEXURE A3-** **THE TRUE COPY OF THE AGREEMENT DATED 03/02/15 EXECUTED BETWEEN THE PETITIONER AND THE 3RD RESPONDENT.**
- ANNEXURE A4-** **THE TRUE COPY OF THE COMPLAINT DATED 08/03/2013 SUBMITTED BY THE 3RD RESPONDENT BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE PAYYANNUR IN CC NO 1013/13.**

RESPONDENTS ANNEXURES **:** **NIL**

/TRUE COPY/

P.A.TO JUDGE

vmr

B.KEMAL PASHA, J.

Crl.M.C.No.1589 of 2015 C

Dated this the 24th day of March 2015

ORDER

Petitioners have come up with this Crl.M.C. under Section 482 Cr.P.C. for getting Annexure-A1 final report in C.C.No.1013/13 of Judicial First Class Magistrate's Court, Payyannur and all further proceedings based on it, quashed.

3. The allegation against the petitioners is that they have tortured and harassed the *defacto complainant*, who is the wife of the first petitioner, 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*/ 3rd 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 3rd 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 Annexure-A1 final report, and all further proceedings based on it in C.C.No.1013/13 of Judicial First Class Magistrate's Court, Payyannur, are hereby quashed.

Sd/-
B.KEMAL PASHA,
JUDGE

dl

// TRUE COPY //

PA to Judge