

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 26TH DAY OF MARCH 2015/5TH CHAITHRA, 1937

Crl.MC.No. 1682 of 2015

CC 921/2013 OF JUDICIAL FIRST CLASS MAGISTRATE COURT -I, PUNALUR.
CRIME NO. 623/2012 OF THENMALA POLICE STATION, KOLLAM.

PETITIONER(S)/ACCUSED:

- 1. SHAJI, S/O.IBRAHIM, AGED 30 YEARS,
SHEEJA MANZIL, KULATHUPUZHA VILLAGE,
PATHANAPURAM TALUK.**
- 2. JAMEELA BEEVI, D/O.MUHAMMED BEEVI,
AGED 56 YEARS, SHEEJA MANZIL,
KULATHUPUZHA VILLAGE,
PATHANAPURAM TALUK.**
- 3. SHEEJA BEEVI, D/O.JAMEELA BEEVI,
AGED 38 YEARS, SHEEJA MANZIL,
KULATHUPUZHA VILLAGE,
PATHANAPURAM TALUK.**

**BY ADVS.SRI.K.SIJU
SMT.S.SEETHA**

RESPONDENT(S)/COMPLAINANT AND STATE:

- 1. STATE OF KERALA,
THROUGH THE SUB INSPECTOR OF POLICE,
THENMALA POLICE STATION,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**
- 2. SABITHA, AGED 24 YEARS,
D/O.NASEEMA BEEVI,
PALAMOOTTIL KIZHAKKATHIL, EDAMOM,
PUNALUR TALUK, KOLLAM DISTRICT - 691 307.**

**R1 BY PUBLIC PROSECUTOR SRI.JIBU P.THOMAS
R2 BY ADV. SRI.T.M.JAFARKHAN**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 26-03-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

APPENDIX

PETITIONER(S)' ANNEXURES:

- ANNEXURE 1:** THE COPY OF PRIVATE COMPLAINT IN C.M.P NO.5835/2012 ON THE FILE OF JFMC -1, PUNALUR.
- ANNEXURE 2:** THE FIR IN CRIME NO.623/2012 OF THENMALA POLICE STATION.
- ANNEXURE 3:** THE COPY OF FINAL REPORT IN CRIME NO.623/2012 OF THENMALA POLICE STATION.
- ANNEXURE 4:** THE AFFIDAVIT SWORN BY THE 2ND RESPONDENT/DE-FACTO COMPLAINANT REGARDING COMPROMISE DATED 15/1/2015.

RESPONDENT(S)' ANNEXURES: - NIL

/TRUE COPY/

P.S. TO JUDGE

mbr/

B.KEMAL PASHA, J.

.....
CRL. M.C. No.1682 of 2015
.....

Dated this the 26th day of March, 2015

ORDER

Petitioners are accused in Crime No.623/12 of the Thenmala Police Station, Kollam registered for the offences punishable under Sections 498A read with Section 34 of the Indian Penal Code.

2. Petitioners have come up with this Crl.M.C. under Section 482 Cr.P.C. for getting Annexure-1 private complaint, Annexure-2 FIR, Annexure 3 final report in Crime No.623/12 of the Thenmala Police Station and all further proceedings in C.C.No.921/2013 of the Judicial First Class Magistrate's Court-I, Punalur, quashed.

3. The allegation against the petitioners is that they have tortured and harassed the defacto 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.

4. Heard learned counsel for the petitioners, the learned counsel for the defacto complainant, who is the 2nd 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 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, 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-1 private complaint, Annexure-2 FIR and Annexure 3 final report in Crime No.623/12 of the Thenmala Police Station and all further proceedings in C.C.No.921/2013 of the Judicial First Class Magistrate's Court-I, Punalur, are hereby quashed.

Sd/- B.KEMAL PASHA, JUDGE

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[True copy]

P.S. to Judge