

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 31ST DAY OF MARCH 2015/10TH CHAITHRA, 1937

Crl.MC.No. 1868 of 2015

L.P.NO.30/2004 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, NILAMBUR

CRIME NO. 310/1996 OF NILAMBUR POLICE STATION, MALAPPURAM DISTRICT

PETITIONER(S)/1ST ACCUSED :

**SAIDALAVI @ KUNHIMANU,
S/O.ABOOBACKER @ PACKER, THEKKARA THODIKA HOUSE,
CHANDAKUNNU P.O, NILAMBUR, MALAPPURAM DISTRICT**

BY ADV. SRI.P.VENUGOPAL (1086/92)

RESPONDENT(S)/STATE & DEFACTO-COMPLAINANT :

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. SUBAIDHA, AGED 44 YEARS,
D/O.IRUMBUDASSERI MUHAMMED, MYLAKOTTIL HOUSE,
AREACODE VILLAGE, MALAPPURAM DISTRICT, PIN- 673 639.**

**R1 BY PUBLIC PROSECUTOR SRI.JIBU.P.THOMAS
R2 BY ADV. SMT.T.JMARIA GORETTI**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 31-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' ANNEXURES :

- ANNEXURE A:** TRUE COPY OF THE COMPLAINT PREFERRED BY
THE SECOND RESPONDENT BEFORE THE CJM, MANJERI.
- ANNEXURE B:** TRUE COPY OF THE FIR REGISTERED BY THE FIRST
RESPONDENT IN CRIME NO.310/1996 OF NILAMBUR
POLICE STATION.
- ANNEXURE C:** TRUE COPY OF THE FINAL REPORT SUBMITTED BY
THE FIRST RESPONDENT IN CRIME NO.310/1996 OF
NILAMBUR POLICE STATION.
- ANNEXURE D:** TRUE COPY OF THE JUDGEMENT DATED 14.03.2003
PASSED BY THE JFCM COURT, NILAMBUR, IN
C.C.NO.303/1996.
- ANNEXURE E:** THE AFFIDAVIT EXECUTED BY THE SECOND RESPONDENT
DATED 10.02.2015

RESPONDENT(S)' ANNEXURES :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

B.KEMAL PASHA, J.

Crl.M.C. No.1868 of 2015

Dated this the 31st day of March 2015

ORDER

The petitioner, who is the first accused in Crime No.310/1996 of Nilambur police station and presently, pending as L.P. case No.30/2004 of the Judicial First Class Magistrate's Court, Nilambur, for the offence punishable under Section 498A read with Section 34 of the I.P. C, has come up with this petition for getting Annexure-C final report in above case and all further proceedings in above L.P. Case, quashed.

2. The allegation against the petitioner is that he has tortured and harassed the *de-facto complainant*, who is his wife and treated her with cruelty, within the meaning of Section 498A of the Indian Penal Code.

3. According to the petitioner, the matter has been amicably settled between him and the *de-facto complainant*/second respondent herein, and presently, the petitioner and the *de-facto complainant* are residing together as husband and wife.

4. The second respondent has filed an affidavit stating that the matter has been amicably settled and presently, they are residing together as wife and husband. She has no objection in quashing Annexure-C final report in Crime No.310/1996 of Nilambur police station and all further proceeding in L.P. case No.30/2004. The second respondent has entered appearance through her counsel. The learned counsel for the second respondent also endorses the fact that the affidavit has been sworn in by the second respondent.

5. Considering the fact that the parties have resolved all the disputes between them and are residing together, I am of the view that this is a fit case wherein Annexure-C final report in Crime

No.310/1996 of Nilambur Police Station and all further proceedings in L.P. case No.30/2004 of Judicial First Class Magistrate's Court, Nilambur, can be quashed under Section 482 of Code of Criminal Procedure.

In the result, this Crl.M.C. is allowed and Annexure C final report in Crime No.310/1996 of Nilambur Police Station and all further proceedings in L.P. case No.30/2004 of Judicial First Class Magistrate's Court, Nilambur,, are quashed.

Sd/-
B.KEMAL PASHA,
JUDGE

dl

// TRUE COPY //

PA to Judge