

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE B.KEMAL PASHA

THURSDAY, THE 9TH DAY OF APRIL 2015/19TH CHAITHRA, 1937

Crl.MC.No.1939 of 2015

**CC NO.34/2014 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT,ALATHUR.
CRIME NO.1196/2013 OF NENMARA POLICE STATION,PALAKKAD.**

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PETITIONERS/ACCUSED NOS.1 & 2:

1. **RASHEED,AGED 42 YEARS,S/O.YUSAF,
VADAKKEPARAMBU,KAYARADI,
AYALUR,ALATHUR,PALAKKAD.**
2. **AYISHA BEEVI,AGED 60 YEARS,
W/O.YUSAF,VADAKKEPARAMBU,KAYARADI,
AYALUR,ALATHUR,PALAKKAD.**

BY ADV.SRI.V.A.JOHNSON (VARIKKAPPALLIL)

RESPONDENT/DEFACTO COMPLAINANT AND STATE:

1. **SAJNA,AGED 23 YEARS,D/O.KAZMARUDHEEN,
CHANTHARAPURA HOUSE,CHUNDAKKAD,
KAVASSERY,ALATHUR,PALAKKAD-678541.**
2. **STATE OF KERALA,REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,ERNAKULAM-682031.**

R1 BY ADV.SRI.P.M.RAFIQ

R2 BY PUBLIC PROSECUTOR SRI.JIBU P.THOMAS.

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 09-04-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

pk

Crl.MC.No.1939 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

**ANNEXURE-A:THE TRUE COPY OF THE FINAL REPORT IN CRIME NO.1196/2013
OF NEMMARA POLICE STATION OF PALAKKAD DISTRICT IN
C.C.34/2014 ON THE FILE OF THE COURT OF JUDICIAL FIRST
CLASS MAGISTRATE,ALATHUR.**

**ANNEXURE-B:AFFIDAVIT SWORN BY THE 1ST RESPONDENT HEREIN
EVIDENCING THE AFORESAID SETTLEMENT.**

**ANNEXURE-C:TRUE COPY OF THE AFFIDAVIT SWORN BY THE 1ST
RESPONDENT EVIDENCING THE FACTUM OF SETTLEMENT
ALONG WITH AN AGREEMENT ENTERED BETWEEN THE 1ST
PETITIONER AND THE 1ST RESPONDENT.**

RESPONDENT'S ANNEXURES:

NIL

//TRUE COPY//

P.S. TO JUDGE

pk

B.KEMAL PASHA, J.

Crl.M.C.No.1939 of 2015

Dated this the 9th day of April 2015

ORDER

The petitioners, who are accused Nos.1 and 2 in Crime No.1196/2013 of Nemmara Police Station, presently pending as C.C. No.34 of 2014 before Judicial First Class Magistrate's Court, Alathur, have come up, under Section 482 of Code of Criminal Procedure, for getting Annexure-A Final Report and all further proceedings based on it in C.C. No.34/2014 of Judicial First Class Magistrate's Court, Alathur, quashed.

2. The crime has been registered for offences punishable under Sections 323, 498A and 506(i) read with Section 34 IPC. The allegation against the petitioners is that they had tortured and harassed the *defacto complainant*, who is the wife of the first

petitioner, and treated her with cruelty by demanding more dowry after misappropriating her entire gold ornaments and money.

3. The parties are Muslims. It seems that all the pending disputes between the parties have been settled through a compromise and an agreement has been entered into. The parties have effected an extra judiciary divorce. According to the petitioners, all the disputes have been settled and the amounts due to the *defacto complainant*, were paid.

4. The *defacto complainant*, who is the 1st respondent herein, has filed an affidavit stating that the matter has been settled and presently she has no complaints against the petitioners. She has also prayed for quashing the proceedings based on Annexure-A Final Report.

5. Heard the learned counsel for the petitioner, the learned counsel for the 1st respondent and the learned Public Prosecutor.

6. The first respondent has entered appearance through her

counsel. The learned counsel for the first respondent has also endorsed the affidavit sworn in by the first respondent and the matters involved in the case have already been settled. When the matters are settled, there is no meaning in proceeding further in the matter and therefore, Annexure-A final report in C.C. No.34/2014 of Judicial First Class Magistrate's Court, Alathur and the proceedings in the said case, are only to be quashed, and I do so.

In the result, this Crl.M.C. is allowed, and Annexure-A final report in C.C. No.34/2014 of Judicial First Class Magistrate's Court, Alathur and all further proceedings in the said case, are quashed.

Sd/-
B.KEMAL PASHA,
JUDGE

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