

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 7TH DAY OF APRIL 2015/17TH CHAITHRA, 1937

Crl.MC.No. 2074 of 2015 ()

CC.NO. 29/2012 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-I, THAMARASSERY

PETITIONERS/ACCUSED NO.1 TO 6 :

1. SHAMSEER, AGED 29 YEARS
S/O.USMAN C.P., PURAYIL HOUSE, KATTIPARA P.O.
KOZHIKODE DISTRICT.
2. USMAN C.P., AGED 59 YEARS
S/O.KUNJAMMAD, PURAYIL HOUSE, KATTIPARA P.O.
KOZHIKODE DISTRICT.
3. FATHIMA, AGED 50 YEARS
W/O.USMAN C.P., PURAYIL HOUSE, KATTIPARA P.O.
KOZHIKODE DISTRICT.
4. KHADHEEJA C.P., AGED 31 YEARS
D/O.USMAN C.P., PURAYIL HOUSE, KATTIPARA P.O.
KOZHIKODE DISTRICT.
5. SHAFEEQUE, AGED 26 YEARS
S/O.USMAN C.P., PURAYIL HOUSE, KATTIPARA P.O.
KOZHIKODE DISTRICT.
6. NABEESA, AGED 54 YEARS
W/O.KUNJAMMAD, PURAYIL HOUSE,
CHEEDIYATHUPOYIL, MUTHOTTY, KATTIPARA P.O.

BY ADV. SRI.SUNNY MATHEW

RESPONDENTS/COMPLAINANT & STATE :

1. HAJARA.,
D/O.MUHAMMAD, AGED 24 YEARS
PURAYIL HOUSE, AAVELAM
THACHUMPOYIL P.O.,
KOZHIKODE DISTRICT- 673 001.

2. THE SUB INSPECTOR OF POLICE
THAMARASSERY POLICE STATION- 673 001.

3. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM- 682 031.

R1 BY ADV. SRI.T.K.BABU
R2 & R3 BY PUBLIC PROSECUTOR SRI. JIBU P. THOMAS

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 07-04-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

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...3/-

Crl.MC.No. 2074 of 2015 ()

APPENDIX

PETITIONERS' ANNEXURES :

**ANNEXURE A1- TRUE COPY OF FINAL REPORT IN C.C.29/2012 ON THE FILE OF
JUDICIAL FIRST CLASS MAGISTRATE COURT-I,
THAMARASSERY.**

**ANNEUXRE A2- TRUE COPY OF THE AFFIDAVIT SWORN TO BY THE 1ST
RESPONDENT.**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

B. KEMAL PASHA, J.

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Crl.M.C. No.2074 of 2015
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Dated this the 7th day of April, 2015

ORDER

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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 6 in Crime No.619/2011 of Thamarassery Police Station registered for the offences punishable under Sections 323, 406, 420 and 498A of the Indian Penal Code.

3. Petitioners have come up with this petition for getting Annexure-A1 final report in Crime No.619/2011 of Thamarassery Police Station as against the petitioners and all further proceedings based on it in C.C.29/2012 pending before the Judicial First Class Magistrate's Court-I, Thamarassery, 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, after misappropriating her entire gold ornaments and money.

5. Heard learned counsel for the petitioners, the learned counsel for the de facto complainant, who is the 1<sup>st</sup> respondent herein, and learned Public Prosecutor.

6. According to the petitioners, all the matters in dispute between the petitioners and the de facto complainant have been amicably settled and presently, the de facto complainant has no complaints against the petitioners and, therefore, the proceedings against the petitioners may be quashed.

7. The de facto complainant, who is the 1<sup>st</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 de facto complainant also endorses the fact that the affidavit has been sworn in by the de facto complainant on her own volition.

8. When all the matrimonial disputes have been settled between the parties and as the de facto 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 in Crime No.619/2011 of Thamarassery Police Station as against the petitioners and all further proceedings based on it in C.C.29/2012 pending before the Judicial First Class Magistrate's Court-I, Thamarassery are hereby quashed.

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

aks/07/04

*// True Copy //*

*PA to Judge*