

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 8TH DAY OF APRIL 2015/18TH CHAITHRA, 1937

Crl.MC.No. 2113 of 2015

**CC 20/2014 OF CHIEF JUDICIAL MAGISTRATE COURT, KASARAGOD.
CRIME NO. 759/2012 OF VIDYANAGAR POLICE STATION.**
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PETITIONERS/ACCUSED NOS. 1 TO 3:

- 1. NAUSHAD.S.M, AGED 35 YEARS,
S/O.SULAIMAN, R/AT KOLIYADKAM HOUSE,
PERUMBALA VILLAGE, KALANAD POST,
KASARAGOD, KASARAGOD DISTRICT.**
- 2. SAFOORA, AGED 58 YEARS,
W/O.SULAIMAN S.M., R/AT KOLIYADKAM HOUSE,
PERUMBALA VILLAGE, KALANAD POST,
KASARAGOD, KASARAGOD DISTRICT.**
- 3. HAJIRA, AGED 25 YEARS,
R/AT KOLIYADAKAM HOUSE,
PERUMBALA VILLAGE, KALANAD POST,
KASARAGOD, KASARAGOD DISTRICT.**

BY ADV. SRI.K.P.HARISH

RESPONDENTS/STATE AND DEFACTO COMPLAINANT (CW1):

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**
- 2. AYSHATH NASEERA B.A., D/O.ABOOBAKKER,
SHANIFA MANZIL, THOTTI ROAD,
SANTHOSH NAGAR, CHENGALA POST,
KASARAGOD TALUK AND KASARAGOD DISTRICT
NOW RESIDING AT KOLIYADUKAM HOUSE,
PERUMBALA VILLAGE, KALANAD POST,
KASARAGOD - 671 317.**

**R1 BY PUBLIC PROSECUTOR SRI.JIBU P.THOMAS
R2 BY ADV. KUM.K.SASIKALA**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 08-04-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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APPENDIX

PETITIONER(S)' ANNEXURES:

- ANNEXURE 1:** THE TRUE COPY OF THE FIR IN CRIME NO. 759/2012
DATED 02.12.2012 OF VIDYANAGAR POLICE STATION.
- ANNEXURE 2:** THE TRUE COPY OF THE FINAL REPORT DATED 30/04/2013 IN
CRIME NO. 759/2012 OF VIDYANAGAR POLICE STATION
NUMBERED AS CC NO. 20/2014 OF THE CHIEF JUDICIAL
MAGISTRATE COURT, KASARAGOD.
- ANNEXURE 3:** THE TRUE COPY OF THE AGREEMENT DATED 05/03/2015
SIGNED AND EXECUTED BETWEEN THE FIRST PETITIONER
AND THE SECOND RESPONDENT.
- ANNEXURE 4:** A TRUE COPY OF THE AFFIDAVIT DATED 20/03/2015 SIGNED BY
THE DEFACTO COMPLAINANT/2ND RESPONDENT BEFORE AN
ADVOCATE NOTARY.

RESPONDENT(S)' ANNEXURES: - NIL

/TRUE COPY/

P.S. TO JUDGE

mbr/

B. KEMAL PASHA, J.

.....
Crl.M.C. No.2113 of 2015
.....

Dated this the 8th 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 3 in Crime No.759/2012 of Vidyanagar Police Station registered for the offences punishable under Sections 323 and 498A of the Indian Penal Code.

3. Petitioners have come up with this petition for getting Annexure-A1 FIR and Annexure-A2 final report in Crime No.759/2012 of Vidyanagar Police Station as against the petitioners and all further proceedings based on it in C.C.20/2014 pending before the Chief Judicial Magistrate's Court, Kasaragod, quashed.

4. The allegation against the petitioners is that they have tortured and harassed the de facto 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.

5. Heard learned counsel for the petitioners, the learned counsel for the de facto complainant, who is the 2nd 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 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, 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. Through the settlement, the petitioner and the 2nd respondent are living together as husband and wife and are leading a peaceful married life. 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 CrI.M.C. is allowed and Annexure-A1 FIR and Annexure-A2 final report in Crime No.759/2012 of Vidyanagar Police Station as against the petitioners and all further proceedings based on it in C.C.20/2014 pending before the Chief Judicial Magistrate's Court, Kasaragod are hereby quashed.

Sd/-
(B.KEMAL PASHA, JUDGE)