

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

MONDAY, THE 8TH DAY OF JUNE 2015/18TH JYASHTA, 1937

Crl.MC.No. 2900 of 2015

**C.C.NO.1120 OF 2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-I,
THAMARASSERY, KOZHIKODE DISTRICT**

PETITIONER(S)/ACCUSED NO.1-3 :

- 1. MUHAMMED SANU, AGED 27 YEARS,
S/O.RASHEED, CHOLAKKUNNUMMAL HOUSE, KODUVALLY,
PALAKUTTY P.O., KOZHIKODE DISTRICT.**
- 2. MARIAMBI, AGED 47 YEARS,
W/O.RASHEED, CHOLAKKUNNUMMAL HOUSE, KODUVALLY,
PALAKUTTY P.O., KOZHIKODE DISTRICT.**
- 3. RASHEED V.M., AGED 54 YEARS,
MUHAMMED, CHOLAKKUNNUMMAL HOUSE, KODUVALLY,
PALAKUTTY P.O., KOZHIKODE DISTRICT.**

BY ADV. SRI.V.N.RAMESAN NAMBISAN

RESPONDENT(S)/COMPLAINANT :

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, PIN- 682 031.**
- 2. NAZEERA, AGED 19 YEARS,
D/O.MUHAMMED, RESIDING AT PALO PALATHINKAL HOUSE,
RAROTH VILLAGE, P.O.THAMARASSERI, KOZHIKODE DISTRICT,
PIN- 673 104.**

**R1 BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH
R2 BY ADV. SRI.PHILJO VARUGHESE PHILIPS**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 08-06-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' ANNEXURES :

ANNEXURE 1: TRUE COPY OF FINAL REPORT IN C.C.1120 OF 2014 ON THE FILE OF THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE -I, THAMARASSERY, KOZHIKODE DISTRICT.

ANNEXURE 2: TRUE COPY OF THE AFFIDAVIT DATED 11/03/2015 SWORN BY THE 2ND RESPONDENT WIFE.

ANNEXURE 3: TRUE COPY OF THE AGREEMENT DATED 11/03/2015 BETWEEN THE 1ST PETITIONER AND THE 2ND RESPONDENT.

RESPONDENT(S)' ANNEXURES :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

K. ABRAHAM MATHEW, J.

Crl.M.C. No.2900 of 2015

Dated this the 8th day of June 2015

O R D E R

Petition filed under Sec.482 Cr.P.C.

2. The 1st petitioner and the 2nd respondent are husband and wife. The other petitioners are his parents. The petitioners are the accused in C.C. No.1120 of 2014 on the file of Judicial First Class Magistrate Court-I, Thamarasssery. They are alleged to have subjected the second respondent to cruelty and misappropriated her properties and thus committed the offences under Secs.323, 498A and 406 of Indian Penal Code. It is submitted that the dispute between the parties has been settled. The request is to quash the proceedings in the criminal case.

3. Heard the learned counsel for the petitioners and for the 2nd respondent and the learned Public Prosecutor.

4. The 2nd respondent has filed an affidavit to the effect that the dispute has been settled and she has

no objection to the proceedings in the criminal case being quashed. I am satisfied that the allegation is true. No public interest is involved in this case. This is a fit case to invoke the jurisdiction of this Court under Sec.482 Cr.P.C. to quash the proceedings in the criminal case.

In the result, this Crl.M.C. is allowed. The proceedings in C.C. No.1120 of 2014 on the file of Judicial First Class Magistrate Court-I, Thamarasserry are quashed.

Sd/-
K. ABRAHAM MATHEW
JUDGE
/ True Copy /

NS

P.A. To Judge