

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

MONDAY, THE 1ST DAY OF JUNE 2015/11TH JYAISHTA, 1937

Cri.MC.No. 3156 of 2015

**C.C.NO.199/2015 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-V,
KOZHIKODE**

CRIME NO. 610/2011 OF NALLALAM POLICE STATION , KOZHIKODE

PETITIONER(S) :

**N.P.YOONUS, AGED 39 YEARS,
S/O.KUNHAYIN (LATE), CHOOLAMPADAMPARAMBU,
NEAR SARADA MANDIRAM, POST KOLATHARA, CHERUVANNUR,
KOZHIKODE DISTRICT.**

BY ADV. SRI.C.M.MOHAMMED IQUABAL

RESPONDENT(S) :

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

**2. N.P.LAILA, AGED 38 YEARS,
D/O.ABDURAHIMAN, CHALILPARAMBIL HOUSE, KOYILANDI POST,
PANTHALAYANI, KOZHIKODE DISTRICT-673 305.**

**R1 BY PUBLIC PROSECUTOR SRI.DHANESH MATHEW MANJOORAN
R2 BY ADV. SMT.T.JSEEMA**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 01-06-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' ANNEXURES :

- ANNEXURE A1: THE TRUE COPY OF THE COMPLAINT OF
THE 2ND RESPONDENT DATED 21.10.2011.**
- ANNEXURE A2: THE TRUE COPY OF THE FIR IN CRIME NO.610/2011 OF
NALLALAM POLICE STATION DATED 28.10.2011.**
- ANNEXURE A3: THE TRUE COPY OF THE CHARGE IN CRIME NO.610/2011 OF
NALLALAM POLICE STATION DATED 06.12.2011.**
- ANNEXURE A4: A TRUE COPY OF THE AGREEMENT BETWEEN
THE 1ST PETITIONER AND THE 2ND RESPONDENT
DATED 13.05.2015.**
- ANNEXURE A5: THE TRUE COPY OF THE AFFIDAVIT OF
THE 2ND RESPONDENT DATED 13.05.2015.**

RESPONDENT(S)' ANNEXURES :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

K. ABRAHAM MATHEW, J.
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Crl. M.C. No. 3156 of 2015
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Dated this the 1st day of June, 2015

ORDER

Petition filed under section 482 Cr.P.C.

2. Petitioner and the second respondent are husband and wife. He is the accused in C.C. No. 199 of 2011 on the file of the Judicial Magistrate of the First Class-V, Kozhikode. He is alleged to have subjected the second respondent to cruelty and misappropriated her properties and thus committed the offences u/ss. 498A and 406 IPC. It is submitted that the dispute between the parties has been settled. The request is to quash the proceedings in the criminal case.

3. Head the learned counsel for the petitioner and for the second respondent and the learned Public Prosecutor.

4. The second 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 section 482 Cr.P.C. to quash the proceedings in the criminal case.

In the result, this Crl. M.C. is allowed. The proceedings

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in C.C. No. 199 of 2011 on the file of the Judicial Magistrate of the
First Class-V, Kozhikode are quashed.

Sd/-
K. ABRAHAM MATHEW
JUDGE

DST

//True Copy//

P.A. To Judge