

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

WEDNESDAY, THE 24TH DAY OF JUNE 2015/3RD ASHADHA, 1937

Crl.MC.No. 3810 of 2015 ()

CRIME NO. 346/2010 OF VENGARA POLICE STATION, MALAPPURAM DISTRICT

PETITIONERS/ACCUSED 1 TO 4 :

1. MUHAMMAD @ BABU
S/O.MOIDY, KARUMANNIL HOUSE, IRINGALLOOR
KUZHIPRAM, VENGARA, TIRURANGADI
PIN – 676 306, MALAPPURAM DISTRICT.
2. MOIDY
S/O.MUHAMMADAJI, KARUMANNIL HOUSE, IRINGALLOOR
KUZHIPRAM, VENGARA, TIRURANGADI
PIN – 676 306, MALAPPURAM DISTRICT.
3. PATHUMMA
W/O.MOIDY, KARUMANNIL HOUSE, IRINGALLOOR
KUZHIPRAM, VENGARA, TIRURANGADI
PIN - 676306, MALAPPURAM DISTRICT.
4. FARSANA, D/O. MOIDY
KARUMANNIL HOUSE, IRINGALLOOR, KUZHIPRAM
VENGARA, TIRURANGADI, PIN - 676306
MALAPPURAM DISTRICT.

BY ADVS.SRI.P.K.IBRAHIM
SMT.K.PAMBIKA
SMT.A.A.SHIBI
SMT.M.K.SAMYUKTHA

RESPONDENTS/COMPLAINANTS & DEFACTO COMPLAINANT :

1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.
2. THE SUB INSPECTOR OF POLICE
VENGARA POLICE STATION, MALAPPURAM DISTRICT
PIN – 676 304.

3. FATHIMATH SUHARA
D/O.KOLLANCHERY ABDUL JALEEL, KOLLANCHERY HOUSE
THIRURANGADI P.O., CHEMMAD, PIN – 676 306.

R1 & R2 BY PUBLIC PROSECUTOR SRI. DHANESH MATHEW MANJOORAN

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 24-06-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Mn

...3/-

Crl.MC.No. 3810 of 2015 ()

APPENDIX

PETITIONERS' ANNEXURES :

ANNEXURE-A1: A COPY OF THE FIR (CRIME NO.346/2010 OF VENGARA POLICE STATION) REGISTERED BY THE 2ND RESPONDENT DATED 18.12.2010.

ANNEXURE-A2: A COPY OF THE FINAL REPORT NO.358 (CRIME NO.346/2010 OF VENGARA POLICE STATION) SUBMITTED BEFORE THE JFCM COURT, MALAPPURAM IN C.C.810/2011.

ANNEXURE A3: A COPY OF THE AFFIDAVIT SWORN TO BY THE 3RD RESPONDENT.

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.S. TO JUDGE

Mn

K. ABRAHAM MATHEW, J.

Crl.M.C. No.3810 of 2015

Dated this the 24th day of June 2015

ORDER

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

2. The 1st petitioner and the 3rd respondent are husband and wife. The other petitioners are his parents and sister. The petitioners are accused in C.C. No.810 of 2011 on the file of the Judicial First Class Magistrate Court, Malappuram. They are alleged to have subjected the 3rd respondent to cruelty and misappropriated her properties and thus committed the offences under Secs.498A, 341 and 323 read with Sec.34 of the 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 3rd respondent and the learned Public Prosecutor.

4. The 3rd 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.810 of 2011 on the file of the Judicial First Class Magistrate Court, Malappuram are quashed.

Sd/-
K.ABRAHAM MATHEW
JUDGE

/ True Copy /

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P.A. To Judge