

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

TUESDAY, THE 7TH DAY OF JULY 2015/16TH ASHADHA, 1937

Cri.MC.No. 4135 of 2015

CC 3213/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT - I, HOSDURG
CRIME NO. 626/2014 OF CHANDERA POLICE STATION, KASARGOD

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PETITIONER(S)/ACCUSED NOS 1-5:

1. ARAFATH M.K., AGED 28 YEARS,
S/O. KHALID, RESIDING AT RUKSANA MANSIL,
MAVILA KADAPURAM, VALIYAPARAMBA VILLAGE, HOSDURG TALUK,
KASARAGOD DISTRICT.
2. KHALID T.K., AGED 60 YEARS,
S/O. MAHIN, RESIDING AT RUKSANA MANSIL,
MAVILA KADAPURAM, VALIYAPARAMBA VILLAGE, HOSDURG TALUK,
KASARAGOD DISTRICT.
3. SAIBU M.K., AGED 48 YEARS,
W/O. KHALID, RESIDING AT RUKSANA MANSIL,
MAVILA KADAPURAM, VALIYAPARAMBA VILLAGE, HOSDURG TALUK,
KASARAGOD DISTRICT.
4. SIDDIQUE @ MOOSADIQUE M.K., AGED 35 YEARS,
S/O. KHALID, RESIDING AT RUKSANA MANSIL,
MAVILA KADAPURAM, VALIYAPARAMBA VILLAGE, HOSDURG TALUK,
KASARAGOD DISTRICT.
5. KABEER M.K., AGED 32 YEARS,
S/O. KHALID, RESIDING AT RUKSANA MANSIL,
MAVILA KADAPURAM, VALIYAPARAMBA VILLAGE, HOSDURG TALUK,
KASARAGOD DISTRICT.

BY ADV. SRI.JAWAHAR JOSE

RESPONDENT(S)/STATE DEFACTO COMPLAINANT & INJURED:

1. THE STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM
2. FATHIMA P, AGED 23 YEARS,
D/O. HAIDERALLI, RESIDING AT PUZHAKARA HOUSE,
MEENAPPES, KANHANGAD VILLAGE, HOSDURG TALUK,
KASARAGOD DISTRICT.

R1 BY PUBLIC PROSECUTOR SRI.DHANESH MATHEW MANJOORAN
R2 BY ADV. SRI.V.VINAY MENON

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

msv/

APPENDIX

PETITIONER(S)' ANNEXURES:

ANNEXURE A: THE CERTIFIED COPY OF FIR.

ANNEXURE B: THE CERTIFIED COPY OF FINAL REPORT.

**ANNEXURE C: THE COPY OF AFFIDAVIT SWEARED BY THE 2ND RESPONDENT
EVIDENCING SETTLEMENT.**

**ANNEXURE D: THE CERTIFIED COPY OF ORDER DATED 18-04-2015 PASSED BY THE
LEARNED MAGISTRATE IN C.M.P NO 14198/2014.**

RESPONDENT(S)' ANNEXURES:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

K. ABRAHAM MATHEW, J.
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Dated this the 7th day of July, 2015

O R D E R

Petition filed under Section 482 Cr.P.C.

2. The first petitioner and the second respondent are husband and wife. The other petitioners are his parents and brother. The petitioners are accused in C.C. No.3213 of 2014 on the file of the Judicial First Class Magistrate-II, Hosdurg. They are alleged to have subjected the second respondent to cruelty and caused miscarriage of her pregnancy and thus committed the offences under Sections 498A and 313 of 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. Heard the learned counsel for the petitioners 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

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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 in C.C. No.3213 of 2014 on the file of the Judicial First Class Magistrate-II, Hosdurg are quashed.

Sd/-
K. ABRAHAM MATHEW,
JUDGE

DST

//True copy//

P.A. To Judge