

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

Crl.MC.No. 4157 of 2015 ()

**CC. NO.4038/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-I, KASARAGOD.
CRIME NO. 493/2014 OF ADHUR POLICE STATION, KASARAGOD DISTRICT.**

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PETITIONERS/ACCUSED:

- 1. ISMAIL, AGED 30 YEARS,
S/O. LATE ABDUL KHADER, RESIDING AT SHAAZ VILLA,
THAIVALAPPU, AMMAMKODE, MULIYAR VILLAGE,
KASARAGOD DISTRICT.**
- 2. ASHFAQ, AGED 34 YEARS,
S/O. JAMEELA, RESIDING AT SHAAZ VILLA, THAIVALAPPU,
AMMAMKODE, MULIYAR VILLAGE, KASARAGOD DISTRICT,
NOW RESIDING AT NEAR PBM SCHOOL, BADIADUKA,
KASARAGOD DISTRICT.**
- 3. SATHAR M.A., AGED 28 YEARS,
S/O. LATE ABDUL KHADER, RESIDING AT SHAAZ VILA,
THAIVALAPPU, AMMAMKODE, MULIYAR VILLAGE,
KASARAGOD DISTRICT.**

BY ADV. SRI.T.MADHU.

RESPONDENTS/STATE:

- 1. THE STATE OF KERALA,
THROUGH THE STATION HOUSE OFFICER,
ADHUR POLICE STATION, KASARAGOD DISTRICT,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.**
- 2. SAFARIYA C., W/O. ISMAIL, D/O. BEERAN,
AGED 27 YEARS, RESIDING AT PODIPALLA HOUSE,
INDIRA NAGAR, CHENGALA VILLAGE AND POST,
KASARAGOD TALUK, KASARAGOD DISTRICT-671 314.**

**R1 BY PUBLIC PROSECUTOR SRI.DHANESH MATHEW MANJOORAN.
R2 BY ADV. SMT.G.SANGEETHA**

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

rs.

APPENDIX

PETITIONER'S ANNEXURES:-

- ANNEXURE A1:** THE TRUE CERTIFIED COPY OF THE COMPLAINT IN
CMP NO.6806/2014 ON THE FILES OF THE LEARNED
JUDICIAL FIRST CLASS MAGISTRATE'S COURT-I, KASARAGOD.
- ANNEXURE A2:** THE TRUE COPY OF THE FIR IN CRIME NO.493/2014 OF
ADHUR POLICE STATION, KASARAGOD DISTRICT.
- ANNEXURE A3:** THE TRUE CERTIFIED COPY OF THE FINAL REPORT IN
CRIME NO.493/2014 OF ADHUR POLICE STATION.
- ANNEXURE A4:** THE AFFIDAVIT DATED 19.06.2015 SWORN IN BY THE
2ND RESPONDENT.

RESPONDENT'S ANNEXURES:- NIL.

//TRUE COPY//

P.A. TO JUDGE

rs.

K. ABRAHAM MATHEW, J.

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Dated this the 7th day of July, 2015

ORDER

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 sister and brother. The petitioners are accused in C.C. No.4038 of 2014 on the file of the Judicial First Class Magistrate-I, Kasargod. They are alleged to have subjected the second respondent to cruelty and thus committed the offences under Section 498A 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 under Section 482 Cr.P.C. to quash the proceedings in the

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criminal case.

In the result, this Crl. M.C. is allowed. The proceedings in C.C. No.4038 of 2014 on the file of the Judicial First Class Magistrate-I,Kasargod are quashed.

Sd/-

**K. ABRAHAM MATHEW,
JUDGE**

DST

//True copy//

P.A. To Judge