

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. 4182 of 2015 ()

**CC 443/2015 of JUDICIAL FIRST CLASS MAGISTRATE COURT-II, HOSDRUG
CRIME NO. 952/2014 OF HOSDURG POLICE STATION , KASARGOD**

PETITIONERS/ACCUSED NO'S 1 2 AND 3 :

- 1. HAREES, AGED 34 YEARS,
S/O.MUHAMMAD KUNHI HAJI, RESIDING AT CHALA HOUSE,
CHALA ROAD, VIDYANAGAR, KASARAGOD DISTRICT**
- 2. SAINABA, AGED 56 YEARS,
W/O. C.A.MHAMMAD HAJI, RESIDING AT THAHIRA MANSIL
CHALA ROAD, VIDYANAGAR, KASARAGOD DISTRICT**
- 3. JAFAR AGED 29 YEARS
S/O.C.A.MUHAMAD HAJI, RESIDING AT THAHIRA MANSIL
CHALA ROAD, VIDYANAGAR, KASARAGOD DISTRICT**

BY ADV. SRI.JAWAHAR JOSE

RESPONDENTS/STATE, DEFACTO COMPLAINANT & INJURED :

- 1. THE STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA**
- 2. NASEEMA, AGED 26 YEARS,
D/O.MOIDU, RESDING AT MAWWAL HOUSE, MAWWAL (PO)
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:**

bp

Crl.MC.No. 4182 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE A: THE CERTIFIED COPY OF PRIVATE COMPLAINT DT. 11.12.2011.

ANNEXURE B: THE CERTIFIED COPY OF FIR DT. 11.12.2014.

ANNEXURE C:THE CERTIFIED COPY OF THE FINAL REPORT DT. 31.01.2015.

**ANNEXURE D:THE COPY OF AFFIDAVIT SWEARED BY THE 2ND RESPONDENT
EVIDENCING SETTLEMENT DT. 29.06.2015**

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A.TO JUDGE

bp

K. ABRAHAM MATHEW, J.

Crl.M.C. No.4182 of 2015

Dated this the 7th day of July 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 mother and brother. The petitioners are accused in C.C. No.443 of 2015 on the file of the Judicial First Class Magistrate Court-II, Hosdurg. They are alleged to have subjected the 2nd respondent to cruelty and misappropriated her properties and thus committed the offences under Secs.498A and 406 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 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.443 of 2015 on the file of the Judicial First Class Magistrate Court-II, Hosdurg are quashed.

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

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P.A. To Judge