

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 19TH DAY OF NOVEMBER 2015/28TH KARTHIKA, 1937

Crl.MC.No. 7093 of 2015 ()

**AGAINST THE ORDER IN CC 169/2013 of J.M.F.C.,VADAKARA DATED
CRIME NO. 489/2012 OF CHOMBALA POLICE STATION , KOZHIKODE**

PETITIONER(S)/ACCUSED NO 1 TO 6 & DEFACTO COMPLAINANT:

- 1. SAMEER AGED 33 YEARS
S/O. SUSUF, THATTANKANDI HOUSE
KARIYAD AMSOM AND DESOM, KARIYAD P.O, PERINGATHUR
THALASSERY TALUK, KANNUR DISTRICT 673 316**
- 2. FOUSIYA AGED 28 YEARS
W/O. RAFEEQ, THATTANKANDI HOUSE
KARIYAD AMSOM AND DESOM, KARIYAD P.O, PERINGATHUR
THALASSERY TALUK, KANNUR DISTRICT 673 316**
- 3. FOUSIYA AGED 41 YEARS
D/O. YUSUF, THATTANKANDI HOUSE
KARIYAD AMSOM AND DESOM, KARIYAD P.O, PERINGATHUR
THALASSERY TALUK, KANNUR DISTRICT 673 316**
- 4. JAMEELA AGED 43 YEARS
W/O. MOOSA, W/O. RAFEEQ, AGED 28 YEARS
THATTANKANDI HOUSE, KARIYAD AMSOM AND DESOM
KARIYAD P.O, PERINGATHUR, THALASSERY TALUK
KANNUR DISTRICT 673 316**
- 5. MOOSA AGED 53 YEARS
S/O. MOIDU, THATTANKANDI HOUSE
KARIYAD AMSOM AND DESOM, KARIYAD P.O, PERINGATHUR
THALASSERY TALUK, KANNUR DISTRICT 673 316**
- 6. SHAFI @ SHABEER, AGED 29 YEARS
S/O. YUSUF, THATTANKANDI HOUSE
KARIYAD AMSOM AND DESOM, KARIYAD P.O, PERINGATHUR
THALASSERY TALUK, KANNUR DISTRICT 673 316**
- 7. HASEELA AGED 26 YEARS
W/O. SAMEER, THATTANKANDI HOUSE
KARIYAD AMSOM AND DESOM, KARIYAD P.O, PERINGATHUR
THALASSERY TALUK, KANNUR DISTRICT 673 316**

BY ADV. SRI.U.K.DEVIDAS

RESPONDENT(S)/STATE:

**STATE OF KERALA
REPRESENTED BY THE SUB INSPECTOR OF POLICE
CHOMBALA POLICE STATION
MALAPPURAM DISTRICT THROUGH PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM**

R BY PUBLIC PROSECUTOR SHEEBA M.T.

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 19-11-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

avk

Crl.MC.No. 7093 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE A CERTIFIED COPY OF THE FINAL REPORT IN C.C NO 169/2013 IN
CRIME NO 489/2012 OF CHOMBALA POLICE STATION ON THE
FILES OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT,
VATAKARA**

ANNEXURE B TRUE COPY OF THE AGREEMENT DATED 26-06-2014

**ANNEXURE C THE ORIGINAL OF THE AFFIDAVIT SWORN BY THE FIRST
SEVENTH PETITIONER DATED 21-10-2015**

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

PA TO JUDGE

avk

P.UBAID, J.

Crl.M.C.No. 7309 of 2015

Dated this the 19th day of November, 2015

ORDER

The six accused, and the de facto complainant in C.C.No.169/2013 of the Judicial First Class Magistrate Court, Vadakara seek orders under Section 482 Cr.P.C. quashing the said prosecution on the ground of the amicable settlement made out of Court. The offenses involved in the case are under Section 498 (A), 406 and 506 IPC. The parties have settled the whole dispute and in terms of the settlement the defacto complainant has joined her husband in matrimony. The 7th petitioner is the de facto complainant and the first petitioner is her husband. The other petitioners are the in-laws. The petitioners 1 and 7 have filed a joint affidavit to the effect that the whole dispute stand settled and that the victim has joined her husband in matrimony. Definite it is, that in such a circumstance, continuance of the prosecution will not serve any purpose other than wasting the precious time of the Court. In the result this petition is allowed.

The prosecution against the petitioners 1 to 6 in C.C.No.169/2013 of the Judicial First Class Magistrate Court,Vadakara will stand quashed under Section 482 Cr.P.C.

Sd/-
P.UBAID
JUDGE

//TRUE COPY//

PA TO JUDGE

avk