

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 29TH DAY OF JANUARY 2015/9TH MAGHA, 1936

Crl.MC.No. 6416 of 2014

C.C.NO.1140/2012 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-II, CHERTHALA

PETITIONER(S)/ACCUSED NOS. 1 TO 5 :

1. JAISAL, AGED 26 YEARS,
S/O.IBRAHIM, KALAPPURACKAL VEEDU, CHANDIROOR P.O.,
CHERTHALA, ALAPPUZHA.
2. IBRAHIM,
KALAPPURACKAL VEEDU, CHANDIROOR P.O., CHERTHALA,
ALAPPUZHA.
3. SAINABA,
KALAPPURACKAL VEEDU, CHANDIROOR P.O., CHERTHALA,
ALAPPUZHA.
4. FASEELA @ SOFIA ,
CHAKKANATTUPADI HOUSE, PALLURUTHI, KOCHI.
5. JASEELA,
KAVADEYATHU HOUSE, KULASHEKHARA MANGALAM, VAIKOM,
KOTTAYAM.

BY ADV. SRI.B.PRAMOD

RESPONDENT(S)/DEFACTO COMPLAINANT AND STATE :

1. ROSHNA, AGED 24 YEARS,
W/O.JAISAL, KALAPPURACKAL, CHANDIROOR P.O.,
ARoor.
2. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

R1 BY ADV. SRI.P.SHANES METHAR

R2 BY PUBLIC PROSECUTOR SRI.JIBU.P.THOMAS.

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 29-01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' ANNEXURES :

**ANNEXURE I: CERTIFIED COPY OF THE CHARGE-SHEET IN
CRIME NO.946/2011 OF AROOR POLICE STATION.**

ANNEXURE II: TRUE COPY OF THE AFFIDAVIT OF THE 1ST RESPONDENT.

RESPONDENT(S)' ANNEXURES :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

B. KEMAL PASHA, J.

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Crl.M.C. No.6416 of 2014
.....

Dated this the 29th day of January, 2015

ORDER

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This is a petition filed under Section 482 of the Code of Criminal Procedure.

2. Petitioners are accused Nos.1 to 5 in Crime No.946/2011 of Aroor Police Station registered for the offence punishable under Section 498A of the Indian Penal Code.

3. Petitioners have come up with this petition for getting Annexure-A1 final report in Crime No.946/2011 of Aroor Police Station as against the petitioners and all further proceedings based on it in C.C.1140/2012 pending before the Judicial First Class Magistrate's Court-II, Cherthala, quashed.

4. The allegation against the petitioners is that they have tortured and harassed the de facto complainant, who is the wife of the 1<sup>st</sup> petitioner, and treated her with cruelty

within the meaning of Section 498A IPC, by demanding more dowry.

5. Heard learned counsel for the petitioners, the learned counsel for the defacto complainant, who is the 1<sup>st</sup> respondent herein, and learned Public Prosecutor.

6. According to the petitioners, all the matters in dispute between the petitioners and the defacto complainant have been amicably settled and presently, the defacto complainant has no complaints against the petitioners and, therefore, the proceedings against the petitioners may be quashed.

7. The defacto complainant, who is the 1<sup>st</sup> respondent herein, has filed an affidavit affirming that all the matters in dispute between her and the petitioners have been amicably settled and, therefore, she has no complaints against the petitioners and, therefore, all further proceedings in the matter referred to above can be quashed. She has entered appearance through her

counsel. The learned counsel for the defacto complainant also endorses the fact that the affidavit has been sworn in by the defacto complainant on her own volition.

8. Through a settlement, the 1<sup>st</sup> petitioner and the 1<sup>st</sup> respondent are living together as husband and wife and are leading a peaceful married life. When all the matrimonial disputes have been settled between the parties and as the defacto complainant has no complaints against the petitioners, it is only just and expedient in the interest of justice to quash the proceedings referred to above.

In the result, this CrI.M.C. is allowed and Annexure-A1 final report in Crime No.946/2011 of Aroor Police Station as against the petitioners and all further proceedings based on it in C.C.1140/2012 pending before the Judicial First Class Magistrate's Court-II, Cherthala are hereby quashed.

Sd/-  
**(B.KEMAL PASHA, JUDGE)**

aks/29/01

*// True Copy //*  
*PA to Judge*