

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

TUESDAY, THE 23RD DAY OF JUNE 2015/2ND ASHADHA, 1937

Crl.MC.No. 6687 of 2014

**CC 438/2009 OF CHIEF JUDICIAL MAGISTRATE COURT,KASARAGOD.
CRIME NO. 134/2009 OF KUMBLA POLICE STATION, KASARGOD.**
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PETITIONER(S)/ACCUSED 1 AND 2:

- 1. ABOOBACKER, AGED 39 YEARS,
S/O.ABDUL REHIMAN, RESIDING AT ALMAS MANZIL,
MUTTAM BANGARA, UPPALA, MANGALPADY VILLAGE,
KASARAGOD DISTRICT.**
- 2. M. MUHAMMED, AGED 47 YEARS, S/O.ABDULRAHIMAN,
RESIDING AT MUTTAM BANGAR, UPPALA,
MANGALPADY VILLAGE, KASARAGOD DISTRICT.**

BY ADV. SRI.SURESH KUMAR KODOTH

RESPONDENT(S)/STATE & COMPLAINANT:

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.**
- 2. AYSHATH RAJEENA, AGED 29 YEARS,
D/O.MOHAMMED, RESIDING AT AL AMEEN HOUSE,
MANGALPADY VILLAGE, KASARAGOD DISTRICT - 671 324.**

**R1 BY PUBLIC PROSECUTOR SRI.DHANESH MATHEW MANJOORAN
R2 BY ADV. SRI.K.P.BALAGOPAL**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 23-06-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

APPENDIX

PETITIONER(S)' ANNEXURES:

- ANNEXURE 1 - CERTIFIED COPY OF THE FIR NO.134/2009 REGISTERED BY
 KUMBLA POLICE.**
- ANNEXURE 2 - FINAL REPORT IN CRIME NO.134/2009.**
- ANNEXURE 3 - CERTIFIED COPY OF THE AGREEMENT ENTERED INTO
 BETWEEN FIRST PETITIONER AND 2ND RESPONDENT.**

RESPONDENTS' ANNEXURES: NIL.

//TRUE COPY//

P.S. TO JUDGE

mbr/

K. ABRAHAM MATHEW, J.

Crl.M.C. No.6687 of 2014

Dated this the 23rd day of June 2015

O R D E R

Petition filed under Sec.482 Cr.P.C.

2. The 1st petitioner and the second respondent are husband and wife. The 2nd petitioner is his brother. The petitioners are accused in C.C. No.438 of 2009 on the file of the Chief Judicial Magistrate Court, Kasaragod. They are alleged to have subjected the 2nd respondent to cruelty, assaulted her and thus committed the offences under Secs.498A and 323 of 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.438 of 2009 on the file of the Chief Judicial Magistrate Court, Kasaragod are quashed.

Sd/-
K. ABRAHAM MATHEW
JUDGE

/ True Copy /

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P.A. To Judge