

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 28TH DAY OF JANUARY 2015/8TH MAGHA, 1936

Crl.MC.No. 7088 of 2014

**CC 402/2014 of JUDICIAL FIRST CLASS MAGISTRATE COURT, AMBALAPUZHA
CRIME NO. 1025/2013 OF PUNNAPRA POLICE STATION , ALAPPUZHA**

PETITIONER(S)/ACCUSED:

- 1. NAHAS V.S, AGED 27 YEARS
S/O.MUHAMMED SHAFI, VELLEZHAM AL-KHAYAM,
PUNNAPRA VILLAGE, PUNNAPRA P.O., ALAPPUZHA.**
- 2. MUHAMMED SHAFI, AGED 60 YEARS
S/O.ABDUL RAHIM, VELLEZHAM AL-KHAYAM, PUNNAPRA VILLAGE
PUNNAPRA P.O., ALAPPUZHA.**
- 3. KHADEEJA BEEVI, AGED 57 YEARS
W/O.MUHAMMED SHAFI, VELLEZHAM AL-KHAYAM
PUNNAPRA VILLAGE, PUNNAPRA P.O., ALAPPUZHA.**
- 4. SHANAVAS @ NAVAS, AGED 34 YEARS,
S/O.MUHAMMED SHAFI, VELLEZHAM AL-KHAYAM
PUNNAPRA VILLAGE, PUNNAPRA P.O., ALAPPUZHA.**
- 5. NAJIM V.S., AGED 30 YEARS,
S/O.MUHAMMED SHAFI, VELLEZHAM AL-KHAYAM
PUNNAPRA VILLAGE, PUNNAPRA P.O., ALAPPUZHA.**

BY ADV. SRI.K.RAMANATHAN

RESPONDENT(S)/DEFACTO COMPLAINANT (CW1) & STATE:

- 1. SAJNA K.A, AGED 22 YEARS
D/O.ALI MEERAN, THEKKEVEETIL, ATHIRAMPUZHA VILLAGE
ATHIRAMPUZHA P.O., KOTTAYAM, PIN - 686 562.**
- 2. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, PIN - 682 031.**

R1 BY ADV. SMT.V.PSATHI

R2 BY PUBLIC PROSECUTOR SRI.JIBU P.THOMAS

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 28-01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

APPENDIX

PETITIONERS' ANNEXURES

ANNEXURE A1: THE CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO.1025/13 OF PUNNAPRA POLICE STATION WHICH WAS TAKEN COGNIZANCE OF AND WHICH IS NOW PENDING AS CC.NO.402/14 BEFORE THE JUDICIAL FIRST LASS MAGISTRATE'S COURT, AMBALAPPUZHA.

ANNEXURE A2: THE ORIGINAL AFFIDAVIT SWON BY THE R1 (CW 1).

RESPONDENTS' ANNEXURE

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

B. KEMAL PASHA, J.

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Crl.M.C. No.7088 of 2014
.....

Dated this the 28th 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 the accused in Crime No.1025/2013 of Punnapra 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.1025/2013 of Punnapra Police Station as against the petitioners and all further proceedings based on it in C.C.402/2014 pending before the Judicial First Class Magistrate's Court-I, Ambalappuzha, 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. 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 Crl.M.C. is allowed and Annexure-A1 final report in Crime No.1025/2013 of Punnappra Police Station as against the petitioners and all further proceedings based on it in C.C.402/2014 pending before the Judicial First Class Magistrate's Court-I, Ambalappuzha are hereby quashed.

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

aks/28/01

*// True Copy //*

*PA to Judge*