

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 18TH DAY OF MARCH 2015/27TH PHALGUNA, 1936

Crl.MC.No. 7101 of 2014

**CC 122/2010 OF CHIEF JUDICIAL MAGISTRATE COURT, KASARAGOD
CRIME NO. 942/2009 OF KASARAGOD POLICE STATION, KASARGOD**
.....

PETITIONER(S)/ACCUSED NO 1 TO 4:

- 1. ABDUL HAMEED M.A., AGED 37 YEARS,
S/O.M.A. AHAMMED, RESIDING AT HIDAYATH NAGAR,
HIDAYATH NAGAR P.O, MADHUR VILLAGE, KASARAGOD DISTRICT.**
- 2. M.A. AHAMMED, AGED 65 YEARS,
FATHER'S NAME NOT KNOWN, RESIDING AT HIDAYATH NAGAR,
HIDAYATH NAGAR P.O., MADHUR VILLAGE, KASARGOD DISTRICT.**
- 3. ASMA, AGED 47 YEARS,
W/O.M.A. AHAMMED, HIDAYATH NAGAR, HIDAYATH NAGAR P.O.,
MADHUR VILLAGE, KASARAGOD DISTRICT.**
- 4. ABIDA, AGED 25 YEARS,
D/O.M.A. AHAMMED, R/AT HIDAYATH NAGAR,
HIDAYATH NAGAR P.O., MADHUR VILLAGE, KASARAGOD DISTRICT.**

BY ADV. SRI.P.V.KUNHIKRISHNAN

RESPONDENT(S)/COMPLAINANT & STATE:

- 1. AYSHA B., AGED 29 YEARS,
D/O.ABUDULKHADER, RESIDING AT PUTHUKOLLI HOUSE,
P.O IRIYANNI, MULIYAR VILLAGE,
KASARAGOD DISTRICT - 670 610.**
- 2. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, KOCHI - 682 031.**

R1 BY ADV. SRI.P.V.ANOOP

R2 BY PUBLIC PROSECUTOR SRI.JIBU P.THOMAS

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
18-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

Crl.MC.No. 7101 of 2014

APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEXURE A: TRUE COPY OF THE FINAL REPORT DATED 6-3-10 IN CRIME
NO 942/2009 OF KASARAGOD POLICE STATION WHICH IS NOW
PENDING AS C.C NO 122/2010 ON THE FILE OF THE CHIEF JUDICIAL
MAGISTRATE COURT, KASARAGOD.**

**ANNEXURE B: TRUE COPY OF THE AFFIDAVIT FILED BY THE FIRST RESPONDENT
DATED 26-11-2014.**

RESPONDENT(S)' ANNEXURES:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

B. KEMAL PASHA, J.

.....
Crl.M.C. No.7101 2014
.....

Dated this the 18th day of March, 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 4 in Crime No.942/2009 of Kasaragod Police Station registered for the offences punishable under Sections 323 and 498A read with Section 34 of the Indian Penal Code.

3. Petitioners have come up with this petition for getting Annexure-A final report in Crime No.942/2009 of Kasaragod Police Station as against the petitioners and all further proceedings based on it in C.C.122/2010 pending before the Chief Judicial Magistrate's Court, Kasaragod, 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-A final report in Crime No.942/2009 of Kasaragod Police Station as against the petitioners and all further proceedings based on it in C.C.122/2010 pending before the Chief Judicial Magistrate's Court, Kasaragod are hereby quashed.

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

aks/18/03

*// True Copy //*

*PA to Judge*