

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 8TH DAY OF JANUARY 2015/18TH POUSHA, 1936

Crl.MC.No. 7151 of 2014 ()

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LP. CASE NO.386/2013 OF JUDICIAL FIRST CLASS MAGISTRATE COURT,
PONNANI.**

CRIME NO. 99/2010 OF CHANGARAMKULAM POLICE STATION.

PETITIONER/ACCUSED:

**ABDUL HAKEEM, S/O. ABDUL AZEEZ,
KOZHIKKAL HOUSE, MULAKADU,
NANNAMUKKU, MALAPPURAM DISTRICT.**

BY ADV. SRI.BABU S. NAIR.

RESPONDENTS/STATE & DEFACTO COMPLAINANT:

- 1. THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, KOCHI-682 031-
FOR THE SUB INSPECTOR OF POLICE,
CHANGARAMKULAM POLICE STATION,
MALAPPURAM DISTRICT.**
- 2. RAJEENA, D/O. AHAMMEDKUTTY,
KOZHIKKAL HOUSE, MUTHUKADU,
NANNAMUKKU, MALAPPURAM DISTRICT, PIN:679 575.**

**R1 BY PUBLIC PROSECUTOR SRI.JIBU P.THOMAS.
R2 BY ADV. SMT.M.LISHA.**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 08-01-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S ANNEXURES:-

**ANNEXURE A: TRUE COPY OF THE CHARGE IN CRIME NO.99/2010 OF THE
CHANGARAMKULAM POLICE STATION.**

**ANNEXURE B: TRUE COPY OF THE AFFIDAVIT SWORN TO BY THE
2ND RESPONDENT DATED 08.12.2014.**

RESPONDENT'S ANNEXURES:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

B. KEMAL PASHA, J.

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Crl.M.C. No.7151 of 2014
.....

Dated this the 8th day of January, 2015

ORDER

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

2. Petitioner is the accused in Crime No.99/2010 of Changaramkulam Police Station registered for the offence punishable under Section 498A of the Indian Penal Code.

3. Petitioner has come up with this petition under Section 482 Cr.P.C. for getting Annexure-A Final Report in Crime No.99/2010 of Changaramkulam Police Station as against the petitioner and all further proceedings based on it in L.P.386/2013 pending before the Judicial First Class Magistrate's Court, Ponnani, quashed.

4. The allegation against the petitioner is that he has tortured and harassed the de facto complainant, who is his wife, and treated her with cruelty within the meaning of

Section 498A IPC, by demanding more dowry, after misappropriating her entire gold ornaments and money.

5. Heard learned counsel for the petitioner, the learned counsel for the defacto complainant, who is the 2<sup>nd</sup> respondent herein, and learned Public Prosecutor.

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

7. The defacto complainant, who is the 2<sup>nd</sup> respondent herein, has filed an affidavit affirming that all the matters in dispute between her and the petitioner have been amicably settled and, therefore, she has no complaints against the petitioner 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 petitioner, 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.99/2010 of Changaramkulam Police Station as against the petitioner and all further proceedings based on it in L.P.386/2013 pending before the Judicial First Class Magistrate's Court, Ponnani are hereby quashed.

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

aks/08/01

*// True Copy //*

*PA to Judge*