IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 23RD DAY OF JANUARY 2015/3RD MAGHA, 1936

Crl.MC.No. 7163 of 2014 ()

CRIME NO. 442/2013 OF CHITTARIKKAL POLICE STATION, KASARAGOD DISTRICT
CC NO. 1677/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-II, HOSDURG

PETITIONERS/ACCUSED 1 AND 2 :

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1. **SAFEER C.P., AGED 28 YEARS**
   S/O.ABDUL RAZAK, RESIDING AT PULKUZHIYIL HOUSE, ACHI
   MANIKKARAMALA, KAKKAD P.O., KOZHIKODE DISTRICT.

2. **SUBAIDA, AGED 44 YEARS**
   W/O.ABDUL RAZAK, RESIDING AT PULKUZHIYIL HOUSE, ACHI
   MANIKKARAMALA, KAKKAD P.O., KOZHIKODE DISTRICT.

BY ADV. SRI.T.MADHU

RESPONDENTS/STATE :

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1. **THE STATE OF KERALA**
   THROUGH THE STATION HOUSE OFFICER
   CHITTARIKKAL POLICE STATION
   REPRESENTED BY THE PUBLIC PROSECUTOR
   HIGH COURT OF KERALA, ERNAKULAM-682031.

2. **RASEENA K.I., AGED 23 YEARS**
   D/O.IBRAHIM, RESIDING AT KANIYANICKAL HOUSE
   MUNAYANKUNNU, PALAVAYAL VILLAGE, KANNIVAYAL P.O.
   VELLARIKUNDU TALUK, KASARAGOD DISTRICT-670511.

R1 BY PUBLIC PROSECUTOR SRI. JIBU P. THOMAS
R2 BY ADV. SMT. BINDUMOL JOSEPH

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 23-01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

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...2/-

Crl.MC.No. 7163 of 2014 ()

APPENDIX

PETITIONERS' ANNEXURES :

ANNEXURE A1 : **TRUE COPY OF THE COMPLAINT IN CMP 8159/13 ON THE FILE OF THE LEARNED JUDICIAL FIRST CLASS MAGISTRATE'S COURT- II, HOSDURG.**

ANNEXURE A2 : **TRUE COPY OF THE FIR IN CRIME NO.442/2013 OF CHITTARIKKAL POLICE STATION.**

ANNEXURE A3 : **TRUE COPY OF THE FINAL REPORT IN CRIME 442/2013 OF CHITTARIKKAL POLICE STATION.**

ANNEXURE A4 : **TRUE COPY OF THE AGREEMENT DT.13-10-2014 ENTERED INTO BETWEEN THE 1ST PETITIONER AND 2ND RESPONDENT.**

ANNEXURE A5 : **THE AFFIDAVIT DT.13-12-2014 SWORN IN BY THE 2ND RESPONDENT.**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.S. TO JUDGE

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B.KEMAL PASHA, J.

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CRL.M.C. No.7163 of 2014

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Dated this the 23rd day of January, 2015

O R D E R

Petitioners are accused in Crime No.442 of 2013 of the Chittarikkal Police Station registered for the offences punishable under Sections 498A read with Section 34 of the Indian Penal Code.

2. Petitioners have come up with this Crl.M.C. under Section 482 Cr.P.C. for getting Annexure-A3 Final Report and all further proceedings based on it, in C.C.No.1677 of 2014 pending before the Judicial First Class Magistrate's Court-II, Hosdurg, quashed.

3. The allegation against the petitioners and the other accused is that they have tortured and harassed the defacto complainant, who is the wife of the 1st petitioner, and treated her with cruelty within the meaning of Section 498A

IPC, by demanding more dowry.

4. Heard learned counsel for the petitioners, the learned counsel for the defacto complainant, who is the 2nd respondent herein, and the learned Public Prosecutor.

5. 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.

6. The defacto complainant, who is the 2nd 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, hence, 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.

7. 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-A3 Final Report and all further proceedings based on it, in C.C.No.1677 of 2014 pending before the Judicial First Class Magistrate's Court-II, Hosdurg, are hereby quashed.

Sd/-
B. KEMAL PASHA
JUDGE

DSV/23/1/15

// True Copy //

P.A. To Judge