

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 16TH DAY OF JANUARY 2015/26TH POUSHA, 1936

Crl.MC.No. 7196 of 2014

C.C.NO.828/2014 OF CHIEF JUDICIAL MAGISTRATE COURT,THALASSERY

PETITIONER(S)/ACCUSED 1 TO 4:

1. SAKKEER V.C,
HASEENA MANZIL, MAMBA P.O., KANNUR DISTRICT.
2. FATHIMA V.C,
HASEENA MANZIL, MAMBA P.O., KANNUR DISTRICT.
3. SIRAJ V.C,
HASEENA MANZIL, MAMBA P.O., KANNUR DISTRICT.
4. SUBAIR V.C,
HASEENA MANZIL, MAMBA P.O., KANNUR DISTRICT.

**BY ADVS.SRI.V.PREMCHAND
SRI.V.TEKCHAND**

RESPONDENT(S)/COMPLAINANT :

1. RABIYA.K,
KANIYANTAVIDA, IRIVERI P.O., KANNUR DISTRICT- 670 028.
2. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM- 682 031.

**R1 BY ADV.SRI.K.SUBASH CHANDRA BOSE
R2 BY PUBLIC PROSECUTOR SRI.JIBU.P.THOMAS**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 16-01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' ANNEXURES :

- ANNEXURE-I: TRUE COPY OF THE COMPLAINT DATED 28.05.2012**
- ANNEXURE-II: TRUE COPY OF THE AFFIDAVIT DATED 05.11.2014 EXECUTED
BY THE FIRST RESPONDENT.**
- ANNEXURE-III: TRUE COPY OF THE AFFIDAVIT DATED 06.01.2015 EXECUTED
BY THE FIRST RESPONDENT.**

RESPONDENT(S)' ANNEXURES :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

B.KEMAL PASHA, J.

.....
CRL. M.C. No.7196 of 2014
.....

Dated this the 16th day of January, 2015

ORDER

Petitioners are A1 to A4 in Crime No.556/2012 pending before the Chief Judicial Magistrate's Court, Thalasserry registered for the offence punishable under Section 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 all further proceedings in C.C.828/2014 pending before the Chief Judicial Magistrate's Court, Thalasserry, quashed.

3. The allegation against the petitioners 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 1st 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 1st 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. Through a settlement the 1st petitioner and the 1st respondent are living together as husband and wife and are leading a peaceful married life. Therefore, it is only just and expedient in the interest of justice to quash the proceedings referred to above.

In the result, this CrI.M.C. is allowed and all further proceedings in C.C.828/2014 pending before the Chief Judicial Magistrate's Court, Thalasserry, based on Crime No.556/2012 are hereby quashed.

Sd/- B.KEMAL PASHA, JUDGE

ul/-

[True copy]

P.S. to Judge