

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 18TH DAY OF FEBRUARY 2015/29TH MAGHA, 1936

Crl.MC.No. 7222 of 2014

CC 1039/2013 OF JUDICIAL FIRST CLASS MAGISTRATE COURT - I, THAMARASSERY

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PETITIONER(S)/ACCUSED 1 & 2:

1. MUNEER, AGED 30 YEARS,
S/O. ALI, POYILLIL HOUSE, EAST KIZHAKOTH AMSOM,
KODUVALLY, KOZHIKODE - 673 001.
2. ALI, AGED 57 YEARS,
S/O. ABOOBACKER, POYILLIL HOUSE,
EAST KOZHAKOTH AMSOM,
KODUVALLY, KOZHIKODE - 673 001.

BY ADV. SRI.NIRMAL. S

RESPONDENT(S)/COMPLAINANT/DEFACTO COMPLAINANT:

1. JASEELA SHIRIN, AGED 22 YEARS,
D/O. AHAMMED, RAYANKANDIYIL HOUSE, KIZHAKOTH P.O.,
KODUVALLY, KOZHIKODE - 673 001.
2. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

R1 BY ADV. SRI.P.K.NIJOY

R2 BY PUBLIC PROSECUTOR SRI.JIBU P. THOMAS

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
18-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

APPENDIX

PETITIONER(S)' ANNEXURES:

ANX.1. TRUE COPY OF THE FIR 404/2013 DATED 2-10-2013.

ANX.S. TRUE COPY OF THE CHARGESHEET NO. 401/2013 DT. 7-11-13.

ANX.3. TRUE COPY OF THE AFFIDAVIT OF THE 1ST RESPONDENT DATED 24-10-2014.

RESPONDENT(S)' ANNEXURES:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

B.KEMAL PASHA, J.

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CRL.M.C. No.7222 of 2014

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Dated this the 18th day of February, 2015

ORDER

Petitioners are accused in Crime No.404 of 2013 of the Koduvally Police Station registered for the offence punishable under Sections 406, 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-A2 Final Report No.401 of 2013 in Crime No.404 of 2013 of the Koduvally Police Station and all further proceedings based on it in C.C.No.1039 of 2013 pending before the Judicial First Class Magistrate's Court-I, Thamarassery, 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. 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-A2 Final Report No.401 of 2013 in Crime No.404 of 2013 of the Koduvally Police Station and all further proceedings based on it, in C.C.No.1039 of 2013 pending before the Judicial First Class Magistrate's Court-I, Thamarassery, are hereby quashed.

Sd/-
B.KEMAL PASHA
JUDGE

DSV/18/2/15

// True Copy //

P.A. To Judge

CRL.M.C.No.7222 of 2014

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