

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 12TH DAY OF FEBRUARY 2015/23RD MAGHA, 1936

Crl.MC.No. 7315 of 2014

**CC 1016/2011 of JUDICIAL FIRST CLASS MAGISTRATE COURT-I, HOSDRUG
CRIME NO. 418/2011 OF CHANDERA POLICE STATION , KASARGOD**

PETITIONER(S)/ACCUSED NOS.1 TO 5:

1. MUHAMMED KUNHI.A.G, AGED 28 YEARS
S/O. AHAMMED T.K., A.G.HOUSE, UDINOOR VILLAGE
HOSDURG TALUK, P.O.EDACHAKKAI.
2. FATHIMA A.G., AGED 59 YEARS
W/O. AHAMMED, A.G.HOUSE, UDINOOR HOUSE
HOSDURG TALUK, P.O.EDACHAKKAI.
3. NOUFAL A.G., AGED 21 YEARS
S/O. AHAMMED, A.G.HOUSE, UDINOOR VILLAGE
HOSDURG TALUK, P.O.EDACHAKKAI.
4. ABOOBACKER T.K., AGED 44 YEARS
T.K.HOUSE, EDCHAKKAI, P.O.UDINOOR
PADNE, KASARAGOD.
5. T.K.MOOSA, AGED 60 YEARS
RESIDING AT PAYYANKI, P.O.CHERUVATHOOR, PADNE
KASARAGOD.

BY ADV. SRI.C.K.SREEJITH

RESPONDENT(S)/STATE & DE-FACTO COMPLAINANT:

1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682 031.
2. MARIYAMBI K.U., AGED 23 YEARS
D/O. ABDUL KHADER K.U., RESIDING AT PADNE, KANTHILOT
PADNE VILLAGE, HOSDURG TALUK, P.O.PADNE
KASARAGOD DISTRICT-671 312.

PJ

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**3. ABDUL KHADER K.U., AGED 49 YEARS
S/O. IBRAHIM, RESIDING AT KAKKAMADA, UDINOOR HOUSE
KANTHILOT IN PADNE VILLAGE, HOSDURG TALUK, P.O.PADNE
KASARAGOD DISTRICT-671 312.**

**4. FATHIMA N.B., AGED 39 YEARS
W/O. ABDUL KHADER, RESIDING AT K.U.MAHAL
KANTHILOT IN PADNE VILLAGE, HOSDURG TALUK, P.O.PADNE
KASARAGOD DISTRICT-671 312.**

**R1 BY PUBLIC PROSECUTOR SRI.JIBU.P.THOMAS
R2-4 BY ADV. SMT.MARY RANZOM LOUIZ**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 12-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

APPENDIX

PETITIONER(S)' ANNEXURES

ANNEXURE A1 : COPY OF THE FIR NO.418/2011 ON THE FILE OF CHANDERA POLICE STATION, HOSDURG TALUK, KASARAGOD DISTRICT.

ANNEXURE A2 : COPY OF THE FIS.

ANNEXURE A3 : COPY OF THE MEMO OF EVIDENCE.

ANNEXURE A4 : COPY OF THE AFFIDAVIT SWORN BY THE 2ND RESPONDENT.

ANNEXURE A5 : COPY OF THE AFFIDAVIT SWORN BY THE 3RD RESPONDENT.

ANNEXURE A6 : COPY OF THE AFFIDAVIT SWORN BY THE 4TH RESPONDENT.

ANNEXURE A7: THE CONSENT LETTER SIGNED BY THE R2/DE-FACTO COMPLAINANT DT.25/8/14.

RESPONDENT(S)' ANNEXURES

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

B.KEMAL PASHA, J.

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Dated this the 12th day of February, 2015

ORDER

Petitioners are accused in Crime No.418 of 2011 of the Chandra Police Station registered for the offence punishable under Section 498A of the Indian Penal Code.

2. Petitioners have come up with this Crl.M.C. under Section 482 Cr.P.C. for getting Annexure-A1 FIR in Crime No.418 of 2011 of the Chandra Police Station and all further proceedings based on it in C.C.No.1016 of 2011 pending before the Judicial First Class Magistrate's Court-I, Hosdurg, 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 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-A1 FIR in Crime No.418 of 2011 of the Chandera Police Station and all further proceedings based on it in C.C.No.1016 of 2011 pending before the Judicial First Class Magistrate's Court-I, Hosdurg, are hereby quashed.

Sd/-
B.KEMAL PASHA, JUDGE

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