

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 9TH DAY OF FEBRUARY 2015/20TH MAGHA, 1936

Crl.MC.No. 7343 of 2014 ()

CC. NO.1050/2013 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-II, KOLLAM.

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PETITIONERS/ACCUSED 1 TO 3:

- 1. NIYAS, AGED 26 YEARS,
S/O.NAZARUDHEEN, SAJITHA MANZIL,
PANTHRADU MURI NAGAR-242, THATHAMALA P.O., KOLLAM.**
- 2. NABEESATH BEEVI, AGED 49 YEARS,
W/O.NAZARUDEEN, SAJITHA MANZIL,
PANTHRADU MURI NAGAR-242, THATHAMALA P.O., KOLLAM.**
- 3. SAJITHA, AGED 27 YEARS,
W/O.DINER, THENGUVILA VEEDU, VELLIMON P.O.,
KERALAPURAM, KOLLAM.**

**BY ADVS.SRI.C.RAJENDRAN,
SRI.K.R.RANJITH.**

RESPONDENTS/DEFACTO COMPLAINANT & STATE OF KERALA:

- 1. FATHIMA, AGED 21 YEARS,
D/O.HASSEENA, HARIPURATHU KIZHAKKETHIL,
BHARAT NAGAR 82, KANNIMELCHERY,
SAKTHIKULANGARA VILLAGE, KOLLAM.**
- 2. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

**R1 BY ADV. SMT.N.P.SHIGA
R2 BY PUBLIC PROSECUTOR SRI.JIBU THOMAS.**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 09-02-2015, THE COURT ON THE SAM DAY PASSED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S ANNEXURES:-

- ANNEXURE 1 :** TRUE COPY OF THE FIR IN CRIME 739/13 OF ERAVIPURAM POLICE STATION.
- ANNEXURE 2 :** TRUE COPY OF THE FINAL REPORT IN CRIME 739/13 OF ERAVIPURAM POLICE STATION.
- ANNEXURE 3 :** TRUE COPY OF THE TERMS OF SETTLEMENT ENTERED INTO BETWEEN THE PETITIONERS AND 1ST RESPONDENT.
- ANNEXURE 4 :** ORIGINAL AFFIDAVIT FILED BY 1ST RESPONDENT.

RESPONDENT'S ANNEXURES:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

B.KEMAL PASHA, J.

.....
CRL. M.C. No.7343 of 2014
.....

Dated this the 9th day of February, 2015

ORDER

Petitioners are A1 to A3 in Crime No.739/13 of the Iravipuram Police Station, registered for the offences punishable under Sections 323, 324 and 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-I F.I.R. and Annexure-2 Final Report in Crime No.739/13 of the Iravipuram Police Station and all further proceedings pursuant thereto in C.C.1050/2013 on the file of the Judicial First Class Magistrate's Court-II, Kollam, 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 through a mediation settlement agreement and presently the defacto complainant has no complaints against the petitioners and, therefore, the proceedings against the petitioners may be quashed. The defacto complainant has entered appearance through her counsel.

6. 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-I F.I.R. and Annexure-2 Final Report in Crime No.739/13 of the Iravipuram Police Station and all further proceedings pursuant thereto in C.C.1050/2013 on the file of the Judicial First Class Magistrate's Court-II, Kollam, are hereby quashed.

Sd/- B.KEMAL PASHA, JUDGE

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[True copy]

P.S. to Judge