

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 2ND DAY OF FEBRUARY 2015/13TH MAGHA, 1936

Crl.MC.No. 7418 of 2014 ()

CC.NO. 318/2010 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, MALAPPURAM
CRIME NO. 601/2009 OF MALAPPURAM POLICE STATION, MALAPPURAM

PETITIONERS/ACCUSED 1 TO 4 :

1. FIROZ,
S/O. ABUBACKER (LATE),
AGED 34, ALANGADAN HOUSE
MUTHUVATHU PARAMBU, HAJIYAR PALLI, PANAKKAD
ERANAD TALUK, MALAPPURAM DISTRICT.
2. BABY RIYAS,
W/O. ABUBACKER (LATE), AGED 48, ALANGADAN HOUSE
MUTHUVATHU PARAMBU, HAJIYAR PALLI, PANAKKAD
ERANAD TALUK, MALAPPURAM DISTRICT.
3. FAJAS
S/O. ABUBACKER (LATE), AGED 27, ALANGADAN HOUSE
MUTHUVATHU PARAMBU, HAJIYAR PALLI, PANAKKAD
ERANAD TALUK, MALAPPURAM DISTRICT.
4. FALJEESHA
D/O. ABUBACKER (LATE), AGED 28, ALANGADAN HOUSE
MUTHUVATHU PARAMBU, HAJIYAR PALLI, PANAKKAD
ERANAD TALUK, MALAPPURAM DISTRICT.
5. MUHAMMED SABU
S/O. KHALEEL, AGED 35, NEAR E.S.I. HOSPITAL, HAJIYAR PALLI
PANAKKAD, ERANAD TALUK, MALAPPURAM DISTRICT.

BY ADV. SRI.K.I.SAGEER

RESPONDENTS/STATE & COMPLAINANT :

1. STATE OF KERALA
REP. BY SUB INSPECTOR OF POLICE
(CRIME NO. 601/2009), MALAPPURAM POLICE STATION
MALAPPURAM, REP. BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM, PIN-682031.

2. SHAHANAS,
D/O. CHERIYA KUNCHI MOHAMMED, AGED 25, HARITHA GARDEN HOUSE
THENKARA POST, MANNARKKAD TALUK, PALAKKAD DISTRICT
PIN-671114.

R1 BY PUBLIC PROSECUTOR SRI. JIBU P. THOMAS
R2 BY ADV. SRI.K.M.NASARUDHEEN

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

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...3/-

Crl.MC.No. 7418 of 2014 ()

APPENDIX

PETITIONERS' ANNEXURES :

**ANNEXURE A1- A TRUE COPY OF THE FINAL REPORT IN CRIME NO. 601/2009
 OF MALAPPURAM POLICE STATION DT. 28-02-2010.**

**ANNEXUREA2- A TRUE COPY OF THE AGREEMENT EXECUTED BETWEEN THE
 PETITIONERS NO. 2 TO 5 AND THE 2ND RESPONDENT
 DT. 4-11-2014.**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

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B.KEMAL PASHA, J.

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Crl.M.C. No.7418 of 2014

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Dated this the 2nd day of February, 2015

O R D E R

Petitioners are accused in Crime No.601 of 2009 of the Malappuram Police Station registered for the offence punishable under Sections 406, 323 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-A1 Final Report in Crime No.601 of 2009 of the Malappuram Police Station and all further proceedings based on it in C.C.No.318 of 2010 pending before the Judicial First Class Magistrate's Court, Malappuram, 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 read with Section 34 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 Final Report in Crime No.601 of 2009 of the Malappuram Police Station and all further proceedings based on it, in C.C.No.318/2010 pending before the Judicial First Class Magistrate's Court, Malappuram, are hereby quashed.

Sd/-
B.KEMAL PASHA, JUDGE

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