

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE SUNIL THOMAS

TUESDAY, THE 31ST DAY OF OCTOBER 2017/9TH KARTHIKA, 1939

Crl.MC.No. 7029 of 2017 ()

AGAINST THE ORDER/JUDGMENT IN CC 1526/2015 of JMFC, KAKKANAD
CRIME NO. 1953/2011 OF THRIKKAKARA POLICE STATION, ERNAKULAM

PETITIONER(S)/ACCUSED 1 TO 4:

1. DR.MOHHAMED SHIROZ,
AGED 34 YEARS, S/O. ABOOBAKKER, LALTITHA HOUSE,
PIELINE ROAD, THRIKAKKARA VILLAGE, ERNAKULAM DISTRICT.
2. ABOOBAKKER BABU,
AGED 67 YEARS, LALTITHA HOUSE,
PIELINE ROAD, THRIKAKKARA VILLAGE, ERNAKULAM DISTRICT.
3. SULAIKHA,
AGED 61 YEARS, LALITHA HOUSE,
PIELINE ROAD, THRIKAKKARA VILLAGE, ERNAKULAM DISTRICT.
4. SHIFA,
AGED 25 YEARS, LALITHA HOUSE,
PIPELINE ROAD, THRIKAKKARA VILLAGE, ERNAKULAM DISTRICT.

BY ADV. SRI.K.K.NASSEER (ALUVA)

RESPONDENT(S)/DEFACTO COMPLAINANT:

1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.
2. THE SUB INSPECTOR OF POLICE,
THRIKKAKARA POLICE STATION, ERNAKULAM - 682 021.
3. AYSHA NAZLIN,
AGED 29 YEARS, D/O. A.M MOHHAMED SHAFI, 1ST BLOCK NO. 95,
HBR LAYOUT, BANGLORE - 560 001.

R3 BY ADV. SRI.O.S.RAMANUNNI

R1 & R2 BY PUBLIC PROSECUTOR SRI.T.R.RANJITH

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
31-10-2017, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Cr1.MC.No. 7029 of 2017 ()

APPENDIX

PETITIONER(S) ' EXHIBITS

ANNEXURE I CERTIFIED COPY OF THE F.I.R DATED 16/11/2011 IN C.C NO. 1526/2015 ON THE FILES OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT, KAKKANAD IN CRIME NO. 1953/2011 OF THRIKKAKARA POLICE STATION, ERNAKULAM.

ANNEXURE II TRUE COPY OF CHARGE SHEET DATED 21.02.2012 IN C.C NO.1526/2015 ON THE FILES OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT, KAKKANAD IN CRIME NO. 1953/2011 OF THRIKKAKARA POLICE STATION, ERNAKULAM.

ANNEXURE III TRUE COPY OF AFFIDAVIT BY THE 3RD RESPONDENT/DEFACTO COMPLAINANT DATED 24.8.2017.

RESPONDENT(S) ' EXHIBITS : NIL

/TRUE COPY/

P. A. TO JUDGE

Pn

SUNIL THOMAS, J.

Crl. M. C. No. 7029 of 2017

Dated this the 31st day of October, 2017

O R D E R

The petitioners are the accused Nos. 1 to 4 in Crime No.1953/2011 of Thrikkakara Police Station, Ernakulam for offences punishable under Sections 498A of IPC and 34 of Kerala Police Act. The 1st petitioner got married the de facto complainant, who is arrayed as the 3rd respondent herein. Petitioners 2 and 3 are the parents of the 1st petitioner and the 4th petitioner is the sister of the 1st petitioner. It was alleged by the 3rd respondent that she was subjected to matrimonial cruelty by the petitioners herein in connection with demand for dowry. She laid a complaint and Annexure I FIS was laid. Crime was registered and after investigation, Annexure II final report was filed. The matter is now pending as C.C. No.1526/2015 of the Judicial First Class Magistrate Court, Kakkanad.

2. The petitioners have approached this Court contending that with the intervention of the persons interested, the marriage was dissolved by way of 'talak' on 01.10.2016 and the disputes were settled in mediation. It was submitted that the 3rd respondent has now agreed to withdraw the criminal proceedings.

Learned counsel for the petitioners in the light of the above, submitted that the Crl.M.C. may be allowed.

3. Learned counsel for the 3rd respondent relied on Annexure III affidavit affirmed by the 3rd respondent in support of the case of the petitioners herein. It was submitted that the parties have resolved their disputes and the 3rd respondent proposes to withdraw the criminal proceedings.

4. The learned Public Prosecutor on instructions submitted that the parties have resolved their disputes and that the statement of the de facto complainant has been recorded.

5. The dispute is essentially one arising from a matrimonial discord. Larger questions of public importance do not arise in this case. Hence, I feel that continuance of the proceedings is redundant.

Accordingly, Crl.M.C. is allowed. All further proceedings in C.C. No.1526/2015 of the Judicial First Class Magistrate Court, Kakkanad stand quashed.

Sd/-

SUNIL THOMAS, JUDGE.