

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

TUESDAY, THE 30TH DAY OF DECEMBER 2014/9TH POUSHA, 1936

Cr1.MC.No. 7423 of 2014 ()

CC 2/2013 of J.M.F.C., VATAKARA
CRIME NO. 1061/2012 OF VATAKARA POLICE STATION

PETITIONER(S)/ACCUSED :-

FAYAD, AGED 25 YEARS
S/O.MOOSSA, ILLATH THAZHA HOUSE, VILLIAPPALLY
VATAKARA TALUK.

BY ADV. SRI.ZUBAIR PULIKKOOL

RESPONDENT(S)/COMPLAINANTS :-

1. KANCHANA, AGED 40 YEARS
W/O.MOHANDAS, MATHATH HOUSE, P.O.VILLIAPPALLY
VATAKARA TALUK, KOZHIKODE DIST, PIN - 673 101.
2. STATE OF KERALA, REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.

R1 BY ADV. SMT.P.A.ANEESHA
SMT.SUMA A.GAFOOR
R2 BY PUBLIC PROSECUTOR SRI.R.GITESH

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
30-12-2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

jvt

Crl.MC.No. 7423 of 2014 ()

APPENDIX

PETITIONER(S) ' EXHIBITS :-

ANNEXURE I- CERTIFIED COPY OF THE F.I.R., F.I.STATEMENT AND
POLICE CHARGE IN CRIME NO.1061/12 OF VATAKARA POLICE STATION.

ANNEXURE II- TRUE COPY OF LETTER ISSUED TO THE PETITIONER BY
CHAIRMAN, LEGAL SERVICES COMMITTEE, VATAKARA.

ANNEXURE III- ORIGINAL COPY OF THE SWORN AFFIDAVIT OF 1ST
RESPONDENT.

RESPONDENT(S) ' EXHIBITS :- NIL

//TRUE COPY//

P.A. TO JUDGE

P.BHAVADASAN, J.

Crl.M.C. No.7423 of 2014

Dated this the 30th day of December 2014

ORDER

The petitioner stands accused of the offence punishable under Sec.354 of IPC in Crime No.1061 of 2012 of Vatakara Police Station, which after investigation on the filing of final report was taken cognizance as C.C.No.2 of 2013 by JFCM Court, Vatakara.

2. It is unnecessary to go into the details of the allegations for the simple reason that the parties have settled the dispute between them and it is pointed out by the petitioner that in the affidavit sworn to by the de facto complainant it is clearly stated that the de facto complainant does not intend to proceed further with the matter.

3. The de facto complainant, who is arrayed as the first respondent in this petition is represented by counsel, who accepts that an affidavit has been sworn to by the first respondent and stands by the statements contained therein. In the light of the categorical statements contained in Annexure-III

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affidavit sworn to by the de facto complainant, this Court felt that if the matter proceeds further, it would only be a sheer waste of time.

In the result, this petition is allowed. All further proceedings against this petitioner in C.C.No.2 of 2013 of JFCM Court, Vatakara including the registration of crime as Crime No.1061 of 2012 of Vatakara Police Station shall stand quashed.

**Sd/-
P.BHAVADASAN, JUDGE.**

Jvt