

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. 7428 of 2014 ()

CC 1420/2013 of J.M.F.C.-II, PERINTHALMANNA
CRIME NO. 914/2011 OF PERINTHALMANNA POLICE STATION

PETITIONER(S)/ACCUSED No.1 TO 4 :-

1. FASALUL ABIDEEN @ BABU, AGED 30 YEARS
S/O.MOIDEEN, PALASSERI HOUSE, ANGADIPURAM
MALAPPURAM DISTRICT.
2. THAYYIL NAVAS, S/O.MARAKKAR, THAYYIL HOUSE
PUTHANANGADI, MALAPPURAM DISTRICT.
3. MUHAMMED SHAMEER, AGED 34 YEARS,
S/O.SAIDALAVI, ALIKKAL HOUSE, PUTHANANGADI
MALAPPURAM DISTRICT.
4. CHANDRAN, AGED 36 YEARS,
S/O.KUNHALI, KIZHAKKETHALAKKAL HOUSE, PUTHANANGADI
MALAPPURAM DISTRICT.

BY ADV. SRI.U.K.DEVIDAS

RESPONDENT(S)/STATE/COMPLAINANT :-

1. STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM - 682 031.
2. ABOOBACKER, AGED 38 YEARS, S/O.KUNHIMUHAMMED,
POOLAMANNIL HOUSE, ANGADIPURAM AMSOM, PUTHENANGADI DESOM
PUTHENANGADI P.O, PERINTHALMANNA TALUK
MALAPPURAM DISTRICT - 679 321.

R2 BY ADV. SMT.P.M.SHAHIDA

R1 BY PUBLIC PROSECUTOR SRI.C.K.JAYAKUMAR

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. 7428 of 2014 ()

APPENDIX

PETITIONER(S) ' EXHIBITS :-

ANNEXURE-I :- COPY OF THE FIRST INFORMATION REPORT IN CRIME
NO.914/11 OF PERINTHALMANNA POLICE STATION, DATED 19.09.11.

ANNEXURE-II :- COPY OF THE RELEVANT PAGE OF THE CHARGE SHEET IN
CRIME NO.914/11 OF PERINTHALMANNA.

ANNEXURE-III :- THE ORIGINAL OF THE AFFIDAVIT DATED 21.12.14
EXECUTED BY THE 2ND RESPONDENT.

RESPONDENT(S) ' EXHIBITS :- NIL

//TRUE COPY//

P.A. TO JUDGE

P.BHAVADASAN, J.

Crl.M.C. No.7428 of 2014

Dated this the 30th day of December 2014

ORDER

The petitioners are the accused in Crime No.914 of 2011 of Perinthalmanna Police Station, in which on filing of the final report cognizance was taken as C.C.No.1420 of 2013 by JFCM Court-II, Perinthalmanna for having committed offences punishable under Secs.341, 323 and 324 r/w Sec.34 of IPC.

2. Fortunately it is unnecessary to go into the correctness of the allegations for the simple reason that the de-facto complainant on whose statement the crime was registered has amicably settled the dispute between the petitioners and he has no further grievance in the matter.

3. The petitioners have produced Annexure-III affidavit sworn to by the de facto complainant, who is arrayed as the 2nd respondent before this Court. He is represented by his counsel, who accepts that an affidavit has been sworn to by the 2nd respondent and stands by the statements contained therein. As per the statements in the affidavit, the de facto complainant has no further grievance in the matter and he does not intend to

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proceed with the matter further. In the light of the said affidavit, it would be a futile exercise to proceed with the proceedings further.

Hence, this petition is allowed. All further proceedings against these petitioners in C.C.No.1420 of 2013 of JFCM Court-II, Perinthalmanna including the registration of crime as Crime No.914 of 2011 of Perinthalmanna Police Station and final report thereof shall stand quashed.

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

Jvt