

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 21ST DAY OF JANUARY 2015/1ST MAGHA, 1936

CrI.MC.No. 8 of 2015

C.C.NO.281/2013 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, MALAPPURAM

CRIME NO. 92/2013 OF VENGARA POLICE STATION , MALAPPURAM DISTRICT

PETITIONER(S)/ACCUSED:

**ANWAR SADATH, AGED 37 YEARS,
S/O. ABDULLAH, PARUTHIKUNNAN HOUSE,
OORAKOM MELMURI P.O., KATEKKAD, KARATHODU,
VENGARA, MALAPPURAM DISTRICT.**

BY ADV. SRI.K.C.ANTONY MATHEW

RESPONDENT(S)/STATE AND DE-FACTO COMPLAINANT :

**1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031,
(IN CRIME NO. 92/2013 OF VENGARA POLICE STATION
IN MALAPPURAM DISTRICT).**

**2. HASEENA, AGED 26 YEARS,
W/O. NOUSHAD, THOOMBATH HOUSE,
OORAKOM MELMURI P.O.-679 324, KATEKKAD, KARATHODU,
VENGARA, MALAPPURAM DISTRICT.**

**R1 BY PUBLIC PROSECUTOR SRI.JIBU.P.THOMAS
R2 BY ADV. SRI.P.SAMSUDIN**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 21-01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' ANNEXURES :

**ANNEXURE A1: TRUE COPY OF FINAL REPORT IN CRINE NO. 92/2013 OF
VENGARA POLICE STATION.**

**ANNEXURE A2: TRUE COPY OF THE AFFIDAVIT DATED 22-12-2014 SWORN IN
BY THE 2ND RESPONDENT.**

RESPONDENT(S)' ANNEXURES :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

B. KEMAL PASHA, J.

.....
Crl.M.C. No.8 of 2015
.....

Dated this the 21st day of January, 2015

ORDER

~~~~~

This is a petition filed under Section 482 of the Code of Criminal Procedure.

2. Petitioner is the accused in Crime No.92/2013 of Vengara Police Station presently pending as C.C.281/2013 of the Judicial First Class Magistrate's Court, Malappuram for the offences punishable under Sections 341, 509 and 506(i) IPC.

3. Petitioner has come up with this petition under Section 482 Cr.P.C. for getting Annexure-A1 Final Report in Crime No.92/2013 of Vengara Police Station as against the petitioner and all further proceedings based on it in C.C.281/2013 pending before the Judicial First Class Magistrate's Court, Malappuram, quashed.

4. The prosecution case is that on 24.02.2013 he

wrongfully restrained CW1, who is the *defacto complainant*, on the road and made sexual overtures towards her thereby demanding her to go along with him. It is also alleged that she was criminally intimidated. According to the petitioner, the matter has been amicably settled between the parties and presently, the *defacto complainant* has no complaints against the petitioner.

5. Heard learned counsel for the petitioner, the learned counsel for the defacto complainant, who is the 2<sup>nd</sup> respondent herein, and learned Public Prosecutor.

6. The defacto complainant, who is the 2<sup>nd</sup> respondent herein, has filed an affidavit affirming that all the matters in dispute between her and the petitioner have been amicably settled and, therefore, she has no complaints against the petitioner and, therefore, 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 disputes have been settled between the parties and as the defacto complainant has no complaints against the petitioner, 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.92/2013 of Vengara Police Station as against the petitioner and all further proceedings based on it in C.C.281/2013 pending before the Judicial First Class Magistrate's Court, Malappuram are hereby quashed.

Sd/-  
**(B.KEMAL PASHA, JUDGE)**

aks/21/01

*// True Copy //*

*PA to Judge*