

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. 92 of 2015 ()

**CC 1213/2012 of JUDICIAL 1ST CLASS MAGISTRATE COURT, KASARAGOD
CRIME NO. 133/2012 OF KUMBLA POLICE STATION , KASARGOD**

PETITIONER/ACCUSED :

**ASIF @ MUHAMMED ASIF, AGED 26 YEARS,
S/O. MOIDEEN KUNHI, ASIF MANZIL, NEAR SMALL MASJID,
ARIKKADY, BAMBRANA, KASARAGOD.**

BY ADV. SRI.T.G.RAJENDRAN

RESPONDENTS/COMPLAINANT/STATE :

- 1. SUHARA K, AGED 31 YEARS,
W/O. HANEEFA, RESIDING AT ANNABAGIL HOUSE,
ARIKKADY VILLAGE, BANBRANA, KASARAGOD - 673 121.**
- 2. STATION HOUSE OFFICER,
KUMBLA POLICE STATION - 673 122.**
- 3. STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM - 682 031.**

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

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

bp

Crl.MC.No. 92 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

A1 : TRUE COPY OF THE FINAL REPORT IN CRIME NO. 133/2012.

A2 : TRUE COPY OF THE AFFIDAVIT SWORN BY THE 1ST RESPONDENT.

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A.TO JUDGE

bp

B.KEMAL PASHA, J.

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Crl.M.C. No.92 of 2015

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Dated this the 2nd day of February, 2015

O R D E R

The petitioner is the accused in Crime No.133/2012 of the Kumbbla Police Station, registered for the offences punishable under Sections 448 and 354 Indian Penal Code, presently pending as C.C.No.1213/2012 of the Judicial First Class Magistrate's Court, Kasaragod. The petitioner has come up under Section 482 Cr.P.C for getting Annexure-A1 final report in Crime No.133/2012 of the Kumbbla Police Station which is presently pending as C.C.No.1213/2012 of the Judicial First Class Magistrate's Court, Kasaragod, quashed.

2. The prosecution case is that on 08.03.2012 at 8 p.m., he trespassed into the rear courtyard of the house of the de facto complainant woman and peeped into the toilet when the de facto complainant was inside the toilet. According to the petitioner, the matter has been amicably settled between him and the de facto complainant and

presently the de facto complainant has no complaints against him.

3. The de facto complainant is the first respondent herein. The first respondent has filed an affidavit affirming that the matter has been amicably settled between her and the petitioner and presently she has no complaints against the petitioner. She has also prayed for dropping all further proceedings in the matter. She has entered appearance through her counsel. The learned counsel for the first respondent also endorses the fact that the affidavit has been sworn in by the de facto complainant on her own volition.

4. When the matter has been settled amicably between the parties and by considering the fact that an offence under Section 354 IPC cannot be attracted in the matter, I am of the view that it is just and proper in the interest of justice to quash Annexure-A1 final report in Crime No.133/2012 of the Kumbla Police Station, which is

presently pending as C.C.No.1213/2012 before the Judicial First Class Magistrate's Court, Kasaragod.

In the result, this Crl.M.C is allowed and Annexure-A1 final report in Crime No.133/2012 of the Kumbbla Police Station, an all proceedings based on it in C.C.No.1213/2012, before the Judicial First Class Magistrate's Court, Kasaragod and are hereby quashed.

Sd/-
B.KEMAL PASHA, JUDGE

stu

//True copy//

P.A to Judge