

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 16TH DAY OF MARCH 2015/25TH PHALGUNA, 1936

Crl.MC.No. 94 of 2015 ()

LP.NO. 8/2009 OF JUDICIAL FIRST CLASS MAGISTRATE COURT -I, PERINTHALMANNA
CRIME NO. 419/2007 OF PERINTHALMANNA POLICE STATION,
MALAPPURAM DISTRICT

PETITIONER/ACCUSED:

PILAKKADAN ABDULRAZAK @ KUNHANI,
S/O MOIDU, AGED 45 YEARS,VENGOOR, PERINTHALMANNA,
MALAPPURAM DISTRICT.

BY ADV. SRI.U.K.DEVIDAS

RESPONDENTS/COMPLAINANT/STATE:

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1. STATE OF KERALA,
REPRESENTED BY THE S.I. OF POLICE,
PERINTHALMANNA THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.
 2. PULLATTIL SULAIKHA,
D/O PULLATTIL ABOOBACKER MASTER, AGED 37 YEARS,
NATYAMANGALAM,CHUNDAMPATTA P.O.,
PALAKKAD DISTRICT-679 337.

R1 BY PUBLIC PROSECUTOR SRI.JIBU P. THOMAS
R2 BY ADV. SMT.P.M.SHAHIDA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 16-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

sts

Crl.MC.No. 94 of 2015 ()

APPENDIX

PETITIONER(S)' ANNEXURES:

ANNEX I: CERTIFIED COPY OF THE FIRST INFORMATION REPORT IN CRIME NO.419/2007 OF PERINTHALMANNA POLICE STATION, DATED 15.6.2007.

ANNEX II: CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO.419/2007 OF PERINTHALMANNA POLICE STATION, DATED, 24.6.2007.

ANNEX III: THE ORIGINAL OF THE AFFIDAVIT DATED 30-12-2014 EXECUTED BY THE SECOND RESPONDENT.

RESPONDENT(S)' ANNEXURES: NIL

/TRUE COPY/

P.A.TO.JUDGE

sts

B. KEMAL PASHA, J.

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CrI.M.C. No.94 2015
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Dated this the 16th day of March, 2015

ORDER

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The 1st accused in Crime No.419/2007 of Perinthalmanna Police Station registered for the offences punishable under Sections 120B and 420 read with Section 34 IPC, who is the sole accused in L.P.8/2009 pending before the Judicial First Class Magistrate's Court-I, Perinthalmanna pursuant to Annexure-I FIR and Annexure-II final report for the offence punishable under Section 420 IPC alone at present, has come up under Section 482 Cr.P.C. for getting Annexure-I FIR, Annexure-II final report in Crime No.419/2007 of Perinthalmanna Police Station and consequent proceedings in L.P.8/2009 of the Judicial First Class Magistrate's Court-I, Perinthalmanna, quashed.

2. The prosecution case is that while the petitioner and the de facto complainant, who is the 2nd respondent

herein, were residing together as husband and wife, on a false representation that he would construct a home for the de facto complainant, the petitioner obtained 106 grams of gold ornaments belongs to the de facto complainant and an amount of ₹2 lakhs from her, and thereafter defrauded and cheated her by not returning the said properties or by not constructing the home as offered. According to the petitioner, the matter has been amicably settled between him and the 2nd respondent herein, who is the de facto complainant, and presently, the de facto complainant has no complaints against the petitioner.

3. The de facto complainant, who is the 2nd respondent herein, has entered appearance and 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.

4. 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 CrI.M.C. is allowed and Annexure-A1 FIR and Annexure-II Final Report in Crime No.419/2007 of Perinthalmanna Police Station as against the petitioner and all further proceedings based on it in L.P.8/2009 pending before the Judicial First Class Magistrate's Court-I, Perinthalmanna are hereby quashed.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/16/03

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PA to Judge